

205-B

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26041-2023 (O&M)
Date of Decision : 08.08.2023

AfsanaPetitioner

VERSUS

State of HaryanaRespondent

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mandeep Nehra, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.44 dated 20.02.2023 registered under Sections 323, 354, 452, 506, 34 (Section 8 of the Protection of Children from Sexual Offences Act, 2012 added later on) of the Indian Penal Code, 1860 at Police Station Pratap Nagar, District Yamuna Nagar.
2. On 22.05.2023 the following order was passed :

“The petitioner(s) – Afsana and Bilal have filed their separate anticipatory bail applications in FIR No.44, dated 20.02.2023, registered under Sections 323,

354, 452, 506, 34 of IPC (Section 8 of POCSO Act added later on), at Police Station Pratap Nagar, District Yamuna Nagar.

It is argued that they are falsely implicated in this case as they were trying to effect compromise between the parties. The present FIR is registered on the statement of Magati whereas another FIR was registered on the statement of Afsana against Sajid, Haroon and Ayub bearing FIR No.43 dated 20.02.2023. The FIR was lodged on the statement of Magati is counter-blast to the FIR registered on the statement of Afsana. The main allegations are against Dilshad and Nazim @ Najim, who were granted interim bail in CRM-M-16207-2023 [Dilshad Vs. State of Haryana] and CRM-M-16220-2023 (Nazim @ Najim Vs. State of Haryana) vide order dated 29.03.2023. They are also ready to join the investigation and no recovery is to be effected from the present petitioners.

Notice of motion.

Ms. Deepshikha Chauhan Asst. A.G. Haryana, accepts notice on behalf of the State.

Considering these facts, the arrest of the aforesaid petitioners is stayed subject to the joining of investigation, till the next date of hearing.

Adjourned to 08.08.2023.

Learned State counsel is directed to file status report before the date fixed.

A photocopy of this order be placed on the file of connected case.”

3. Learned counsel for the petitioner has submitted that the petitioner has since joined investigation and has fully cooperated.
4. Learned counsel for the State, on instructions from Sub Inspector Satnam Singh, states that the petitioner has since joined investigation and is fully co-operating and that she is no longer required for further custodial interrogation as of now.
5. In view of the above, the order dated 22.05.2023 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.
6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

August 08, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO