

CRM-M-28778-2022

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-28778-2022

Date of Decision: 22.03.2023

Imanshu @ Himanshu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Manoj Sachdeva, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by SI Vaneet)

Mr. Abhaysher Singh, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

On 03.08.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.154 dated 16.04.2022, registered for offences under Sections 323, 34, 506 of the Indian Penal Code, 1860 and Section 8 of Protection of Children from Sexual Offences Act, 2012, at Police Station Hathin, District Palwal.

Counsel for the petitioner contends that the petitioner, who is a 19 year old boy, is alleged to have misbehaved with 13 year old girl (for short “the victim”) and tried to pull her behind the trees, but she got saved when a passerby intervened. He submits that

it has further been alleged that when family members of the victim objected to his mis-behaviour, there was an altercation and both the sides received injuries as is evident from Annexures P-2 to P-4. Counsel submits that there is an unexplained delay of 4 days in registration of the FIR.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State.

List on 17.10.2022.

The petitioner shall appear before the Investigating Officer at Police Station Hathin, District Palwal on 10.08.2022 at 10.00 A.M. and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

Petitioner will furnish an affidavit to this Court as well as to the Investigating Officer to the effect that neither he nor his family members will directly or indirectly contact or meet the victim or her family members physically or electronically or by any other means nor intimidate them nor cause any harm to them, during the pendency of the proceedings arising out of the FIR.”

Learned State counsel, on instructions from SI Vaneet, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 03.08.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

22.03.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*