

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM-M-32039-2022 (O&M)
Date of decision:- 19.01.2023

Daljeet Singh

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Ranvijay Singh, Advocate for the petitioner.

Mr. R.K.S. Brar, Addl. Advocate General, Haryana.

Mr. Vaibhav Prasher, Advocate for
Mr. Bharat Bhushan Sharma, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

CRM-31990-2022

Prayer made in the application is for placing on record the petitioner's affidavit dated 29.08.2022, Annexure P-11.

Counsel for the petitioner submits that the affidavit was drafted and filed within the time granted by this Court vide order dated 25.08.2022. He submits that a copy of the affidavit has been supplied to Investigating Officer. .

Application is allowed. Affidavit is taken on record.

CRM-M-32039-2022

On 25.08.2022, this Court passed the following order:-

“This is the second petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of anticipatory bail in FIR No. 330 dated 19.10.2021, registered for offences under

Sections 323,341, 354-A, 354-D, 506 and 34 of the Indian Penal Code, 1860 (for short “IPC”) and Section 8 and 12 of Protection of Children from Sexual Offences Act, 2012, however, later on Section 354-D of IPC was deleted, at Police Station Mundkati, Tehsil Hodal, District Palwal, Annexure P-1.

Counsel for the petitioner submits that FIR, Annexure P-1, has been registered on the allegation that the petitioner and his friends, who are co-accused, have been harassing the minor victim. By referring to the statement of the prosecutrix recorded under Section 164 of the Code, Annexure R-1, he contends that the victim has not supported the allegation of being physically harassed. He submits that the first petition (CRM-M-21568-2022) was withdrawn on 25.05.2022 with liberty to approach the Sessions Court.

Counsel for the complainant has, however, submitted that when confronted, the accused-petitioner physically assaulted the family members of the prosecutrix.

List on 19.01.2023.

The petitioner shall appear before the Investigating Officer on 01.09.2022 at 11.00 A.M. at Police Station Mundkati, Tehsil Hodal, District Palwal and join investigation and would appear as and when called. In the event of arrest, he shall be admitted to interim bail on 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.

The petitioner will furnish an affidavit to this Court as well as to the Investigating Officer, within a period of one week from today, to the effect that he will not directly or indirectly contact or meet the prosecutrix or her family members or cause any harm to them, or intimidate them, physically or electronically or by any other means during the pendency of the proceedings arising out of the FIR, Annexure P-1.”

Upon instructions from ASI-Kavita, State counsel submits that the petitioner has joined, co-operated with the investigation and he is no longer required for custodial interrogation.

In view of the above, petition is allowed. Order dated 25.08.2022 is made absolute subject to compliance of the conditions as laid down under Section 438 (2) Cr.P.C.

19.01.2023
Harish Kumar

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No