

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

247

CRA-S-1744-2023 (O&M)

Date of Decision : 14.12.2023

Nikhil

.....Appellant

Versus

State of Haryana and Another

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjeev Majra, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana for respondent No.1.

None for respondent No.2.

ALKA SARIN, J. (Oral)

1. This is a petition filed by the appellant for setting aside the impugned order dated 30.05.2023 passed by Additional Sessions Judge, Kurukshetra whereby the application under Section 438 of CrPC for grant of anticipatory bail filed by the appellant in case FIR No.275 dated 25.04.2023 under Sections 323, 452, 506, 376 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(w) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Thanesar Sadar, District Kurukshetra has been dismissed.

2. On 19.06.2023 the following order was passed :

“Learned counsel for the appellant inter alia submits that the allegations levelled against the appellant would not constitute any offence under the provisions of

SC&ST Act, as the occurrence admittedly had taken place inside the house and that too when there was none other than parties present. Notice of motion 28.08.2023. On the asking of the Court, Mr. Pankaj Middha, Addl. A.G., Haryana, appears and accepts notice on behalf of the respondent-State. In the meantime, in the event of arrest, the appellant shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the appellant shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

3. No one has put in appearance on behalf of respondent No.2 despite being served.
4. Learned counsel for the appellant would contend that pursuant to the said order the appellant has joined investigation and has fully cooperated.
5. Learned counsel for the State on instructions from SI Shamsheer Singh has stated that the appellant has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.
6. In view of the above, the order dated 19.06.2023, whereby interim anticipatory bail was granted to the appellant, is made absolute. The appellant shall, however, join investigation as and when called. The appellant shall also abide by all the terms and conditions as specified under

Section 438(2) of the Code of Criminal Procedure, 1973.

7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

14.12.2023
Deepak patwal

(ALKA SARIN)
JUDGE

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