

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215

CRM-M-33721-2023 (O&M)

Date of Decision : 20.12.2023

Manish

.....Petitioner

Versus

State of Haryana and Another

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jagjeet Beniwal, Advocate for the petitioner.

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

Mr. Judgepreet Singh Warring, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.46 dated 07.03.2023 under Sections 363, 366-A of the Indian Penal Code, 1860 (Section 346 IPC deleted) and Sections 10, 18 of the Protection of Children from Sexual Offences Act, 2012 (added later on) registered at Police Station Garhi, District Jind.

2. On 17.07.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.46 dated 07.03.2023 under Sections 363, 366-A of the Indian Penal Code, 1860 and Sections 10, 18 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) (added later

on) registered at Police Station Garhi, District Jind.

Learned counsel for the petitioner would contend that even as per the statement of the victim under Section 164 CrPC, no provisions of POCSO Act are attracted. Learned counsel would further contend that the victim has categorically stated that there was no physical relationship between the petitioner and the victim. It is further the contention that since the parents of the victim were marrying off the victim to some elderly man, hence the petitioner only took her away to save her from the marriage.

Notice of motion.

On the asking of the Court, Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of the State.

Mr. Judgepreet Singh Warring, Advocate has put in appearance on behalf of the complainant and prays that the complainant be made a party.

On the oral request of learned counsel for the complainant, the complainant - Suman w/o Rajbir, r/o Village Dhanori - is impleaded as respondent No.2. Registry to carry out the requisite changes in the memo of parties. List on 10.10.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on

furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from SI Harikrishan, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 17.07.2023 is made absolute. The petitioner shall, however, join investigation as and when called. 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.

20.12.2023
Deepak patwal

(ALKA SARIN)
JUDGE

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