

2023:PHHC:090516

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

CRM-M-33856-2023

Date of Decision: 19.07.2023

HARSHDEEP SINGH

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Aashna Gill, Advocate, for the petitioner.
Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.
Mr. Kushagra Beniwal, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to set aside the order dated 06.07.2023, Annexure P-2, vide which the permission has been granted to re-arrest the petitioner in the case bearing FIR No.1070 dated 29.12.2022 under Sections 195-A, 341, 506, 509 and 511 IPC registered at Police Station Shahabad, District Kuruksheta.

2. Learned counsel for the petitioner submits that initially, the FIR was registered under Sections 341, 506 and 509 IPC and the arrest of the petitioner was effected. The petitioner was granted regular bail by the Court of learned Sub-Divisional Judicial Magistrate, Shahabad, in terms of the order dated 21.01.2023, Annexure P-4. After a period of one month, on the basis of statement of the victim under Section 164 Cr.P.C., the offence under Section 12 of the POCSO Act was added in the instant case. The Investigating Agency had moved an application for re-arrest of the petitioner and the same has been allowed in terms of the impugned order dated 06.07.2023. Furthermore, on account of non-appearance and declining the application for exemption from personal appearance, the bail/surety

bonds of the petitioner have also been cancelled. It has been further submitted that the petitioner shall surrender in the trial Court, move an application for regular bail and in the meanwhile, he may be protected.

3. Notice of motion.

4. Mr. Ranvir Singh Arya, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.

5. Mr. Kushagra Beniwal, Advocate, has put appearance on behalf of the complainant.

6. Learned State counsel submits that an appropriate directions may be issued to ensure the presence of the petitioner has his participation during the course of trial.

7. In these set of circumstances, the present petition is disposed of with a direction that the petitioner shall surrender before the concerned Court within a period of 07 days and move an application for regular bail. In the event of his doing so, the arrest of the petitioner may not be effected till disposal of the bail application and also for a period of two weeks, thereafter, in the event bail application is dismissed.

8. Disposed of.

19.07.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No