

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

210

CRM-M-38512-2023 (O&M)

Date of Decision : 22.11.2023

Hunny @ Mohit

.....Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Robin Dutt, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

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.0187 dated 21.06.2023 under Sections 354-A, 354-B, 376, 506 & 511 of the Indian Penal Code, 1860 registered at Police Station Chhapar, District Yamuna Nagar.

2. On 07.08.2023 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.0187 dated 21.06.2023 under Sections 354-A, 354-B, 376, 506 & 511 of the Indian Penal Code, 1860 registered at Police Station Chhapar, District Yamuna Nagar.

Learned counsel for the petitioner would contend that a totally unbelievable story has been spun in the FIR in as much as it has been stated that on 19.06.2023 at 10.30 AM after the complainant boarded the bus the petitioner

tried to outrage the modesty of the complainant in the bus. The learned counsel would further contend that it is unbelievable that even if the petitioner tried to outrage her modesty she did not even scream or attracted the attention of the passengers who were present in the bus. The learned counsel would further contend that the present FIR has been lodged only because of the reason that the petitioner had an altercation with the brother of the complainant and in this regard FIR No.0187 dated 21.06.2023 was lodged at 5.53 PM at Police Station Sector 17 HUDA, Jagadhri, Yamuna Nagar and thereafter on the same day at about 8.42 PM the present FIR was lodged at Police Station Chhapar, District Yamuna Nagar.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf Learned counsel for the State, on instructions from ASI Babita, states that the Investigating Officer had asked the complainant for the Panchayati compromise dated 19.06.2023, as mentioned in the FIR, but the complainant has not come forward to hand over the same.

List on 22.11.2023.

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 ASI Sushil Kumar, 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 07.08.2023 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.

22.11.2023

Deepak Patwal

**(ALKA SARIN)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No