

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

216

CRM-M No.39427 of 2023

Date of Decision : 14.11.2023

Rajender @ Ravinder

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Karambeer Singh Randhawa, Advocate for
Mr. Satbir Singh Gill, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

Mr. Vishal Sharda, Advocate for the complainant.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.139 dated 13.07.2023 under Sections 323, 341, 354-A, 506 and 34 IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Baragudha, District Sirsa.

2. On 11.8.2023 the following order was passed :

“Present is first petition under Section 438 Cr.P.C. seeking grant of anticipatory bail to the petitioner in case FIR No.139 dated 13.07.2023 under Sections 323, 341, 354-A, 506 and 34 IPC and Section 10 of POCSO Act, 2012, registered at Police Station Baragudha, District Sirsa.

FIR in the present case was lodged on the basis of statement of the prosecutrix aged about 14 years at the time of incident, and the same reads as follows:-

“Statement of Mandeep Kaur, D/o Naib Singh, R/o Bhangu, aged about 14 years, Mobile no. 88168-42024, stated that I am resident of above mentioned address. I am student of 10th class and goes to school from village Bhangu to village Chhatarian by foot. On 08.07.2023 around 2 PM after being free from the school I was coming to my house. Sunil, S/o Shingara, R/o Bhangu and Rajender, s/o Rajrup, R/o Bhangu were standing near the Dhani of Gurmeet. Sunil restrained my way and caught hold my hand and asked me to make friendship with him and asked to take his mobile number. Rajender threatened me that if you will not take the mobile number, you will be killed. Both of them threatened me that if the above fact is disclosed to anyone then you will be killed. When I tried to free my hand, they started quarrelling with me. when I started raising hue and cry, both of them fled away on hearing my noise. I came home and told the whole thing to my mother, my mother told the whole thing to my father. My parents remained silent to avoid insult in the society. They came in front of our house

yesterday evening and started abusing and saying that what you have done against us as we teased your daughter. Today my parents have come to you along with me, legal action be taken against them. Statement recorded, heard, same is correct...”

Learned counsel for the petitioner inter alia submits that the petitioner is not the main accused in the FIR and the only allegation made against the petitioner is that he restrained the way of the prosecutrix, caught her hand and allegedly threatened to kill her if she did not give her mobile phone. It is submitted that the only allegation against the petitioner is that he extended threat to the complainant and there is no allegation under Section 354-A IPC. It is further submitted that the motivation for the present complaint is party factionalism in the village.

Notice of motion.

Mr. Arjun Lakhanpal, Addl. AG Haryana accepts notice on behalf of respondent-State.

Adjourned to 14.11.2023.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section

438(2) Cr.P.C.:-

i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, learned State Counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with details of pending FIRs, if any, on or before the next date of hearing.”

3. Learned counsel for the petitioner states that the petitioner has since joined investigation and fully cooperated.

4. Status report by way of affidavit of Sh. Gurdial Singh, HPS, Deputy Superintendent of Police, Kalanwali, District Sirsa filed by learned State counsel is taken on record. Registry to scan the same and tag at the appropriate place. As per statement of the victim recorded under Section 164 CrPC, though the petitioner has been named, however, no specific role has been attributed to him.

5. Learned counsel for the State on instructions from ASI Ram Kumar has stated that the petitioner has since joined investigation and 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 11.08.2023 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.

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

14.11.2023
jk

(ALKA SARIN)
JUDGE

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