

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39137-2023 (O&M)
Date of decision : 17.11.2023

Jaspreet Singh ... Petitioner(s)

Versus

State of Haryana ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manvinder Sidhu, 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.0082 dated 29.04.2023 under Sections 363, 366-A/34 of the Indian Penal Code, 1860 (Sections 376, 506 & 201 IPC and Sections 17 and 6 of Protection of Children from Sexual Offences Act, 2012 added later on) registered at Police Station Odhan, District Sirsa.

2. On 22.08.2023 the following order was passed :

“CRM-34052-2023
CRM allowed subject to all just exceptions Registry to carry out the requisite corrections.
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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.0082 dated 29.04.2023 under Sections 363, 366-A/34 of the Indian Penal Code, 1860 (IPC) (Sections 376, 506 & 201 IPC and Sections 17 and 6 of Protection of Children from Sexual Offences Act, 2012 added later on) registered at Police Station Odhan, District Sirsa.

Learned counsel for the petitioner would contend that the petitioner has neither been named in the FIR nor in the statement under Section 164 CrPC made by the victim. The learned counsel would further contend that the name of the petitioner figured only in the disclosure statement of the accused and that there too the only attribution is that the petitioner had helped the accused procure a room on rent in Chandigarh. The learned counsel has further contended that no overt act has been attributed to the petitioner either by the complainant or by the victim.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent-State of Haryana and seeks some time to get her instructions.

List on 17.11.2023.

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.”

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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 Kuldeep, 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 22.08.2023 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.

17.11.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

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