

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

CRM-M No.44919 of 2022

Date of Decision : 09.10.2023

Sumit

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanchit Punia, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG Haryana.

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.463 dated 30.04.2022 under Sections 363, 366-A, 341, 328, 354-A(1)(i) and 120-B of the Indian Penal Code, 1860 and Section 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Barwala, District Hisar.

2. On 27.09.2022 the following order was passed :

“Learned counsel for the petitioner inter-alia contends that the petitioner, who is a 22 year old boy with no other criminal antecedents, has been falsely implicated in this case; the petitioner is not named in the FIR; the main allegations in the FIR in question are against co-accused Gaurav who allegedly enticed the

complainant's minor daughter and molested her; co-accused Gaurav already stands arrested; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the only allegation against the petitioner is of having supplied certain identity documents of another girl to Gaurav on his asking and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Ms.Sheenu Sura, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 25.01.2023.

Till the adjourned date the petitioner's arrest is stayed. Before the adjourned date in response to the afore submissions as also the averments made in the petition the State shall file a status report after consideration of which further orders shall be passed in the instant petition.”

3. Thereafter, on 03.08.2023, the following order was passed:-

“Learned counsel for the petitioner states that the main accused has since been granted bail on the basis of the statements of the victim and the complainant that they would have no objection if the accused is released on bail and further that they have no apprehension.

List on 09.10.2023.

Interim order to continue.

Meanwhile, the petitioner is directed to join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

4. Learned counsel for the petitioner states that pursuant to orders dated 27.09.2022 and 03.08.2023, the petitioner has since joined the investigation and fully cooperated.

5. Learned counsel for the State on instructions from PSI Seema 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 03.08.2023 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.

(ALKA SARIN)
JUDGE

09.10.2023
jk

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