

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

CRM-M-43382-2023 (O&M)

Date of Decision : 30.11.2023

AJAY KUMAR

.... Petitioner

VERSUS

STATE OF HARYANA

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG 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.116 dated 29.06.2023 under Sections 328, 506, 34 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station WPS, Rewari, District Rewari.

2. On 01.09.2023 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.116 dated 29.06.2023 under Sections 328, 506, 34 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station WPS, Rewari, District Rewari.

Learned counsel for the petitioner would contend that the petitioner has been implicated in a totally false case. It is further the contention that the petitioner and the complainant were engaged on 30.11.2022 and thereafter there were multiple telephonic conversations wherein the complainant was pressurizing the petitioner to take her to an OYO Room. The learned counsel has further contended that no such incident as alleged in the FIR has ever happened. Further, the alleged incident is stated to have occurred on 17.06.2023, however, the complainant went for her medical examination on 29.06.2023 and that is when the FIR has also been lodged.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent-State of Haryana while Mr. Nitish Yadav, Advocate has put in appearance on behalf of the complainant.

Learned counsel for the State, on instructions from SI-Sarvesh Thakur, has stated that the investigation reveals that the place of the alleged incident is actually an open café where the probability of such an incident taking place was virtually impossible. It is further the contention that there has been an improvement in the

statement of the complainant recorded under Section 164 CrPC from the allegations made in the FIR. The learned State counsel has further pointed out that even as per the site plan prepared of the café, where the alleged incident is stated to have taken place, there is no room and infact there is no roof over the café and there exists no door.

List on 30.11.2023.

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 SI Shobha, 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 01.09.2023 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.

30.11.2023

Aman Jain

(ALKA SARIN)

JUDGE

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