

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

201

CRM-M-47389-2022

Date of Decision : 01.03.2023

Udai Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Damanjeet Singh Batalvi, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

On 17.10.2022, the following order was passed :-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner who has been summoned under Section 319 Cr.P.C. as additional accused for facing trial in FIR No.25, dated 9.3.2020, registered under Section 323, 328, 384, 452,506, 120-B IPC, Sections 10 and 14 of POCSO Act, 2012, Sections 3(w)(i)(ii), 3(2)(v) of SC/ST Act, 1989 and Sections 67 and 67-A of IT Act, 2000, at Police Station Women Kurukshetra, District Kurukshetra.

It has been contended by learned counsel for the petitioner that in the FIR there was no allegations against the petitioner, however, at the time of recording statement under Section 164 Cr.P.C., the prosecutrix named the petitioner and thereafter, the investigation was carried out. He submits that after a thorough and fair

investigation, the petitioner was declared innocent by the Investigating Agency. He submits that during the trial, the prosecutrix named the petitioner without any authenticated evidence. However, the learned trial Court in a mechanical manner, has summoned the petitioner under Section 319 Cr.P.C. He has submitted that summoning of the petitioner is without following the law settled. He submits that the main accused is already behind bars and similarly situated co-accused, namely Gurwant Singh has already been granted bail by this Court vide order dated 20.7.2022. He submits that in view of the overall facts and circumstances, no case for custodial interrogation of the petitioner is made out, however, the petitioner is ready to appear before the trial Court.

Notice of motion.

Mr. B.S. Virk, Deputy Advocate General, Haryana, accepts notice.

In the meantime, the petitioner is directed to appear before the trial Court within ten days from today and if he does so, he would be admitted to interim bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

Adjourned to 20.2.2023. ”

Learned State counsel on instructions from SI Taro submits that petitioner appeared before trial Court on 20.10.2022 and he was released on bail.

In view of above facts and circumstances, the petition is allowed and order dated 17.10.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

01.03.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>