

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**213****CRM-M No.47243 of 2023 (O&M)
Date of Decision : 06.12.2023**

Shrikesh

....Petitioner

VERSUS

State of Haryana and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Keshav Pratap Singh, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana for respondent No.1.

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.88 dated 25.07.2022 under Sections 354-D, 376, 506, 34 of the Indian Penal Code, 1860 and Sections 4, 8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Women, District Palwal.

2. On 21.09.2023 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.88 dated 25.07.2022 under Sections 354-D, 376, 506, 34 of the Indian Penal Code, 1860 and Sections 4, 8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Women, District Palwal.

Learned counsel for the petitioner would contend that though the alleged incident is dated 30.06.2022, however, the FIR was lodged on 25.07.2022 and the complainant went for her medical examination on 26.07.2022. The learned counsel has further pointed out that in the FIR the allegations have been made to the extent that on 30.06.2022 the petitioner had taken the victim to Welcome Hotel where they consumed a meal and he also called his friend. Thereafter, he molested her and shot a video. The learned counsel has contended that the alleged incident is not of a hotel but a restaurant where it is improbable that such an incident would have taken place in public view. The learned counsel has further contended that the petitioner had approached this Court by filing CRM-M-44867-2022 for directions to conduct a fair and impartial investigation. The said petition was disposed off on 27.09.2022 with a direction to the Superintendent of Police, Palwal to decide the application. The learned counsel would contend that pursuant to the order the tower location of the petitioner was found out and the tower location at the time of the incident was not at the alleged place of occurrence i.e. Welcome Hotel.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent-State of Haryana.

Learned State counsel, on instructions from SI-Sushila, has stated that the call records and tower location of the petitioner were checked and as per the tower location the petitioner was not present at the alleged place of the incident i.e. Welcome Hotel. He was, however, present at a nearby place. The learned State counsel has further stated that the alleged place where the incident is stated to have taken place is not a hotel but a restaurant.

List on 06.12.2023.

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 states that the petitioner has since joined investigation and fully cooperated.

4. Learned counsel for the State on instructions from ASI Surekha 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.

5. In view of the above, the order dated 21.09.2023 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.

(ALKA SARIN)
JUDGE

06.12.2023

jk

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