

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

212

CRM-M-52117-2023

Date of Decision: December 15, 2023

Mandeep @ Monu**.....Petitioner(s)****Vs.****State of Haryana****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Kshitij Sharma, Advocate
for the petitioner(s).

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Mr. Arjun Singh Surjewala, Advocate
for the complainant.

VIVEK PURI J. (ORAL)

1. On 19.10.2023, the following order was passed in the main case:-

“ The petitioner is seeking anticipatory bail in the case bearing FIR No 193 dated 28.07.2014 under Sections 376-D/450/323/354-A/511 IPC read with Section 4 of the POCSO Act registered at P.S.Pundri.

Learned counsel for the petitioner contends that as per the allegations, the petitioner alongwith co-accused had committed penetrative sexual assault upon the victim, who is stated to be aged about 14 years. The alleged occurrence took place about 1½ months prior to registration of FIR. There is no supporting reliable medical evidence to indicate that the petitioner and co-accused had committed penetrative sexual assault upon the victim. Ramesh Kumar, the brother of the co-accused Rohit had lodged the FIR bearing No. 191 dated 24.07.2014

under Sections 148/149/323/324/452/506 IPC against the father of the victim and others. The statement of the father of the victim was also recorded during the course of investigation and he remained silent with regard to present occurrence. The occurrence took place as back as in the year 2014. After the registration of the FIR, the matter was thoroughly investigated by the police authorities and cancellation report was submitted on two occasions. The complainant had submitted the protest petition and on the basis thereof, cognizance had been taken. The custodial interrogation of the petitioner is not required. The petitioner has been summoned for 25.10.2023 and he is not involved in any other case.

Notice of motion.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana, accepts notice on behalf of the respondent-State.

Mr. Arjun Singh Surjewala, Advocate, has joined the proceedings on behalf of the complainant and submits that there are categorical allegations with regard to commission of penetrative sexual assault attributed against the petitioner and co-accused. The police had conducted partial and biased investigation and furthermore, co-accused Rohit is absconding and has gone abroad.

Be that as it may, merely because the co-accused is absconding and has gone abroad, the benefit of pre-arrest bail may not be declined to the petitioner in the peculiar circumstances of the case. The alleged occurrence took place as back as in the year 2014. There is delay of 1½ months in lodging the FIR. Furthermore, after investigation, the cancellation report has been submitted on two occasions.

In these set of circumstances, the petitioner is directed to surrender before the trial Court on or before 25.10.2023 and on his doing so, he shall be admitted on interim bail to the satisfaction of the

*trial Court/Illaqa Magistrate/Duty Magistrate.
This order is further subject to the condition that
the petitioner shall comply with the conditions as
envisaged under Section 438(2) Cr.P.C.*

Adjourned to 15.12.2023.”

2. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has surrendered before the trial Court on 23.10.2023 and has been admitted on interim bail, and thereafter, the petitioner is regularly appearing in the trial Court.

3. Learned State counsel, on instructions from ASI Dalsher, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioner is not required.

4. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 19.10.2023, vide which the petitioner has been granted interim bail, is made absolute. The petitioner is directed to furnish fresh bail bonds/surety bonds to the satisfaction of the learned Court within one month from today.

5. Petition is allowed.

(VIVEK PURI)
JUDGE

December 15, 2023
sonia arora

Whether speaking/reasoned: Yes/No
Whether reportable: No