

Sr.No.102

2024:PHHC: 033372

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

CRM-M-188-2024(O&M)

Date of decision:07.03.2024

Deepak Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: Hon'ble Ms. Justice Harpreet Kaur Jeewan

Present: Mr. S.P.S.Sidhu, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Jagdish Manchanda, Advocate with
Mr. Nischal Chetanya Manchanda, Advocate
For the complainant.

Harpreet Kaur Jeewan, J.(Oral)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.243 dated 6.12.2023 registered at Police Station Siwan, District Kaithal, under Sections 354, 354-A, 354-D, 506, 509, 34 IPC.

2. Learned counsel for the petitioner submits that the petitioner was granted interim bail as per order dated 31.01.2024 passed by this Court.

3. The relevant portion of the aforesaid said order reads as under:-

“XXXXXX

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. The name of the petitioner was introduced for the first time in the statement recorded under Section 164 Cr.P.C. only by two of the alleged victims. The petitioner is being falsely implicated due to ulterior motives and village politics. The labour contract work in the school was being provided by the petitioner but the Sarpanch of the village

wanted to get the said work, as such due to said dispute petitioner has been falsely implicated.

Learned State counsel contends that initially the FIR was registered against the Principal of the school at the instance of a student of 12th Class with the allegations that he had been humiliating the complainant. He used to call her in his room and he had been molesting her by touch. He used to abuse in vulgar language and he had outrage the modesty of the complainant. Learned State counsel further contends that the petitioner has been nominated as an accused on the basis of statement of two students recorded under Section 164 Cr.P.C. wherein they have stated that the petitioner was also aiding the Principal who used to come to the school and he is a contractor.

Adjourned to 07.03.2024.

In the meanwhile, the petitioner is directed to join investigation within ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

- (i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.”

4. Learned counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 31.01.2024 passed by this Court.

5. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Parveen Kumar confirms that the petitioner has joined investigation and also contends that his custodial interrogation is not required.

6. In view of the reasons recorded in the order dated 31.01.2024 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 31.01.2024 passed by this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. Liberty is reserved in favour of the State/Complainant to move for cancellation/recall of the order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., or upon showing any other sufficient cause.

7th March, 2024

Shivani Kaushik

**[HARPREET KAUR JEEWAN]
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No