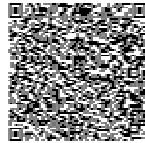


Neutral Citation No. 2024:PHHC:077195

2024:PHHC:077195



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

205

CRM-M-939-2024 (O&M)
Date of decision: 29.05.2024

Bhupender

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Ms. Amandeep Kaur, Advocate
for respondent No. 2/complainant.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 180, dated 18.10.2023, registered under Sections 342, 354-B, 363, 366-A, 506, 34 and 376 of IPC and Sections 6 and 10 of the POCSO Act, 2012 (Section 376 of IPC and Section 6 of POCSO Act deleted later on) at Women Police Station Jind, District Jind.
2. Vide order dated 10.01.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 10.01.2024, passed by this Court, reads as under:

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case arising out of FIR No.180, dated 18.10.2023,

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registered under Sections 342, 354-B, 363, 366-A, 506, 34 and 376 of IPC and Section 10 and 6 of the Protection of Children from Sexual Offences Act, 2012 at Women Police Station Jind, District Jind on the basis of written complaint filed by the complainant who is mother of the victim "S" (name withheld) alleging therein that on 17.10.2023 the victim had gone to school for study when the present petitioner along with co-accused Pardeep had kidnapped her and while after taking her on motorcycle in the hotel, they had committed rape upon her.

It is submitted by learned counsel for the petitioner that the offences under Sections 376 of IPC and Section 6 of POCSO Act 2012 have been deleted during the course of investigation. The petitioner was not named in the FIR, and allegations of his having kidnapped the victim and committed rape upon her were also found to be false. He is Indian Army person. He is ready to join investigation.

Notice of motion for 27.02.2024.

On asking of the Court, Mr. Arjun Lakhanpal, Addl., A.G., Haryana, accepts notice on behalf of the respondent-State. He seeks some time to file status report in the matter.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required subsequently. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C."

3. Learned counsel for the petitioner submits that vide order dated 28.02.2024, the main accused Pardeep @ Kalu has been granted benefit of

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regular bail by the trial Court. He has, thus, argued that the present petition deserves to be allowed.

4. Learned State counsel, assisted by learned counsel for the complainant, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 16.01.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 10.01.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

29.05.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No