

**CRA-S-1405-2024 (O&M)****- 1 -****247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-S-1405-2024 (O&M)****DATE OF DECISION : 23.05.2024****MANOJ****... APPELLANT****V/S****STATE OF HARYANA AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Ms. Rashi Shahrawat, Advocate for
Mr. Vikas Gulia, Advocate for the appellant.

Mr. Kirpal Singh Thakur, AAG, Haryana.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present appeal has been filed by the appellant assailing the order dated 07.03.2024 passed by the learned Additional District and Sessions Judge, Fast Track Court, Sonipat, whereby the bail application filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Code') for grant of anticipatory bail to the appellant in FIR No. 55 dated 14.03.2024, under Sections 373 (3) and 506 of the IPC read with Section 34 thereof and Sections 4 and 17 of the Protection of Children from Sexual Offences, Act, 2012 (for short 'the POCSO Act') registered at Police Station Civil Lines, District Sonapat, has been dismissed.

2. On 08.05.2024 following order was passed:

"xxxx 2. Learned counsel for the appellant inter alia submits that Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short 'the Act of 1989') was also added later on in the aforesaid FIR. He also submits that the present appellant has been falsely implicated in this case. The appellant has not been named in the present FIR. The name of the appellant came while recording the disclosure



statement of the his co-accused.

3. Notice of motion was issued vide order dated 08.04.2024.

4. State has filed the reply by way of affidavit of Rahul Dev, HPS, Assistant Commissioner of Police, City Sonapat confirming that the co-accused of the appellant namely Suraj has been arrested against whom main allegations of sexual abuse are there. As per the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure R-1), the name of the appellant is not there. However, this fact has been mentioned that a friend of the co-accused Suraj was present there. However, there are no allegations of sexual abuse even by the “friend” of co-accused-Suraj in the said statement recorded under Section 164 Cr.P.C.

5. Mr. Vijay Deep Rathee, Advocate has filed memo of appearance on behalf of respondent No.2 and seeks accommodation.

6. Adjourned to 23.05.2024.

7. In the meanwhile, the appellant 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 appellant shall further make himself available for interrogation by a police officer as and when required.

(ii) That the appellant 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 appellant shall not leave India without the prior permission of the Trial Court/CJM concerned.”

3. Learned counsel for the appellant contends that the appellant has joined the investigation in compliance of the order passed by this Court.

4. Learned State counsel, on instructions from ASI Yogesh, has also confirmed that the appellant has joined investigation. State counsel further informs that custodial interrogation of the appellant is not required.

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5. On the last date of hearing, Mr. Vijay Deep Rathee, Advocate has filed memo of appearance on behalf of respondent No.2 but today there is no representation on her behalf.

6. In view of the aforesaid facts and the reasons recorded in the order dated 08.05.2024 and keeping in view the fact that the appellant has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present appeal is allowed and the order dated 07.03.2024 passed by the learned Additional District and Sessions Judge, Fast Track Court, Sonipat is set aside and the order dated 08.05.2024 granting interim bail to the appellant 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 appellant violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

23.05.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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