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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18215-2024 (O&M)
Date of decision: 17.05.2024

Rakesh Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

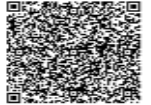
Present: Mr. Mohit Chaudhary, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Vaibhav Bhargav, Advocate
for respondents No.2 & 3.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.91 dated 01.03.2024 under Sections 354 & 506 of the Indian Penal Code, 1860 and Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Ram Nagar, Karnal (Annexure P-1), in view of the compromise and affidavit dated 03.04.2024 (Annexures P-2 & P-3).



2. On 16.04.2024, the following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.91 dated 01.03.2024 under Sections 354/506 of IPC and Section 8 of POCSO Act, registered at Police Station Ram Nagar, Karnal (Annexure P-1) in view of the compromise and affidavit dated 03.04.2024 (Annexures P-2 & P-3).

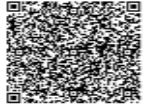
Learned counsel for the petitioner inter alia contends that the FIR (supra) was lodged due to some misunderstanding on account of monetary dispute and now, the parties have amicably settled the dispute and entered into a compromise. He further submits that a compromise quashing is also filed before this Court by way of CRM-M-18415-2024 and the maximum sentence under the offences in which the FIR is lodged is punishable upto five years. No notice under Section 41-A of Cr.P.C. was ever served upon the petitioner in view of the law laid down by the Hon’ble Supreme Court in ‘Satender Kumar Antil Vs. CBI’ (2022) 10 SCC 51.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State. At this stage, Mr. Vaibhav Bhargav, Advocate puts in appearance on behalf of respondents No.2 & 3 and files his vakalatnama in the Court today which is taken on record.

Adjourned to 17.05.2024.

*In the meantime, keeping in view the ratio of law enunciated by Hon’ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, the petitioner is directed to appear before Investigation Officer within two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer*



and the petitioner shall co-operate with the Investigating Officer.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in the investigation in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion by this Court and the trial Court shall decide the same on its own merits strictly in accordance with law.

To be heard along with CRM-M-18415-2024.”

3. Learned State counsel, on instructions from ASI Meena, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 16.04.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

17.05.2024

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No