



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-18550-2024 (O&M)
Date of Decision: 20.08.2024

NARESH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- None for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

HARPREET KAUR JEEWAN, J.

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.590 dated 07.10.2022 registered under Sections 363, 366-A IPC, (Sections 354, 354-A(i), 328, 376, 34 IPC and Sections 4, 8, 17 of POCSO Act added later on) at Police Station Adampur, District Hisar.
2. On 08.05.2024, this Court passed the following order and directed the petitioner to join the investigation:

“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. 590 dated, 07.10.2022, registered at Police Station Adampur, District Hisar, under Sections 363 and 366-A of the IPC [Sections 354, 354-A(i), 328 and 376 of the IPC read with Section 34 thereof and Sections 4, 8 and 17 of the Protection of Children from Sexual Offences, Act, 2012, were added later on].



2. Learned counsel for the petitioner inter alia contends that neither the petitioner has been named in the FIR nor any role has been attributed to him as per the statement of the prosecutrix recorded under Section 164 Cr.P.C., dated 13.10.2022 (Annexure P-3). The final report ('challan') has already been presented against the co-accused of the petitioner and during the trial, the statement of the victim has also been recorded.

3. Notice of motion was issued vide order dated 18.04.2024.

4. Reply by way of affidavit of Wazir Singh, Deputy Superintendent of Police, Law & Order, Hisar on behalf of the State has been taken on record.

5. The FIR was registered at the instance of the father of the prosecutrix who is stated to be 70 years of age. As per the statement (Annexure P-3) recorded under Section 164 Cr.P.C., the petitioner is alleged to have accompanied co-accused Kuldeep against whom the allegations of sexual assault are levelled. There are no allegations of sexual abuse by the petitioner.

6. Learned State counsel has confirmed that in her statement recorded under Section 164 Cr.P.C. on 13.10.2022 (Annexure P-3), the prosecutrix has not named the petitioner.

7. Adjourned to 30.05.2024.

8. In the meanwhile, the petitioner is directed to join investigation on 16.05.2024 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."

3. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Asha has informed that the petitioner had joined the investigation in terms of the order dated 08.05.2024 passed by this Court and custodial interrogation of the petitioner is not required. He has further informed that the petitioner is friend of co-accused Kuldeep and the investigation qua co-accused Kuldeep is complete and challan has been presented and trial is proceeding.



4. Keeping in view the reasons recorded in the order dated 08.05.2024 and keeping in view the fact that the petitioner has joined investigation and the allegations *inter se* the petitioner and complainant are matter of trial, the present petition is allowed and the order dated 08.05.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

5. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

6. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

20.08.2024
P.Bhatt

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