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219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21033-2024 (O&M)
DATE OF DECISION : 18.07.2024

VIKAS GIR

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Piyush Kumar, Advocate for
Mr. Vipul Joshi, Advocate for the petitioner.
Mr. Kirpal Singh Thakur, AAG, Haryana.

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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. 214 dated 26.09.2023 under Sections 376(2)(n), 376(D), 506, 34 IPC, registered at Police Station Rajound, District Kaithal, Haryana.

2. On 28.05.2024 following order was passed:

“xxxx Learned counsel for the petitioner *inter alia* contends that the allegations of sexual assault are against the co-accused of the petitioner namely Mandeep and Rajesh. There are no allegations of sexual assault against the petitioner. The only allegations against the petitioner are that he allegedly blackmailed the prosecutrix by claiming that he is possessing some videos which he would make viral. The petitioner has been falsely implicated in this case. Petitioner is young boy of 22 years of age and he is ready to join the investigation.

Notice of motion.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana appears on behalf of the State and has filed the status report. She confirms that there are no allegations of sexual assault against the petitioner even in the statement of the prosecutrix recorded under Section 164 Cr.P.C. Copy of the said statement is submitted in

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the Court, which is taken on record.

Learned State counsel seeks accommodation to file detailed reply.

Adjourned to 18.07.2024.

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 his furnishing bail bonds and surety bonds, 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 for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by this Court.

4. Learned State counsel, on instructions from SI Shamsheer Singh, has confirmed that the petitioner has joined investigation and further custodial interrogation of the petitioner is not required. It is further informed that investigation qua the co-accused of the petitioner is complete and even challan has been presented before the trial Court against the co-accused.

5. In view of the aforesaid facts and the reasons recorded in the order dated 28.05.2024 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 28.05.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

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would be construed to be an expression of opinion on merits of the case.

7. Liberty is also reserved in favour of the State/complainant to move for cancellation/recalling 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.

8. All the pending miscellaneous applications, if any, shall stand disposed of.

18.07.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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