



Sr. No.205

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-22477-2024
Date of decision: 17th September 2024

SHYAMO DEVI AND ANOTHERPetitioners

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parveen Kumar, Advocate and
Mr. Rishi Pal Chaudhary, Advocate
for the petitioners.

Mr. Kirpal Singh Thakur, AAG, Haryana,
assisted by PSI Pooja.

Mr. Navneet Singh, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.51 dated 11.03.2024, under Sections 354-D, 328, 384, read with Section 120-B IPC, 1860 and Sections 8, 12, 17 of the Protection of Children from Sexual Offences Act, 2012 (Section 10 of the POCSO Act added later on), registered at Police Station City Thanesar, District Kurukshetra (Annexure P-1).

2. On 06.05.2024, following order was passed by this Court:-

“xxx xxx xxx xxx

2. *Learned counsel for the petitioners inter alia contends that the first bail petition was dismissed as withdrawn, vide order dated 02.05.2024 passed by this Bench in CRM-M-21983-2024, with liberty to file fresh one since Section 10 of the POCSO was added during the investigation. He has also supplied a copy of the aforesaid order. The same is taken on record.*



3. *He further submits that the petitioners are the parents of the co-accused against whom the allegations have been levelled by the complainant. The petitioners are not named in the FIR. The son of the petitioners is already in custody.*

4. *Notice of motion.*

5. *On advance notice, Mr. Amrik Singh Narwal, D.A.G. Haryana appears on behalf of the respondent-State and seeks time to file status report.*

6. *Learned State counsel has confirmed this fact that the person named in the FIR is the son of the petitioners who is in custody and during the investigation, name of the petitioners came only on the basis of the disclosure statement of the co-accused.*

7. *Adjourned to 17.07.2024.*

8. *In the meanwhile, the petitioners are directed to join investigation within ten days and in the event of their arrest, they shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to their furnishing bail bonds and surety bonds, and also subject to the following conditions:-*

(i) That the petitioners shall further make themselves available for interrogation by a police officer as and when required.

(ii) That the petitioners 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 them from disclosing such facts to the Court or to any police officer.

(iii) That the petitioners 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 aforesaid order dated 06.05.2024.

4. Learned State counsel has opposed the present petition submitting that

the petitioners are the parents of main accused namely Ajay, who has sexually



abused the minor prosecutrix and also extracted money from her on various occasions. However, learned State counsel, on instructions from PSI Pooja, has confirmed that the petitioner has joined investigation and also contends that his further custodial interrogation is not required.

5. A perusal of the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure R-1) indicates that there are no allegations of extraction of money by the present petitioners. The petitioners are the parents of the main accused namely Ajay. There are no specific allegations against the present petitioners. They have joined the investigation and their custodial interrogation is not required.

6. Keeping in view the above facts and in view of the reasons recorded in the order dated 06.05.2024, the present petition is allowed and the order dated 06.05.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under 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/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.

9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

17th September 2024
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