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

CRM-M-25787-2024

Date of decision: 06.08.2024

Sandeep Kumar

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Madan Sandhu, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail in case bearing FIR No.153 dated 18.04.2024 under Sections 341/354-A(1)/354-D(1)-506 of IPC and Sections 8/12 of POCSO Act, 2012 registered at Police Station City Fatehabad, District Fatehabad.

On 21.05.2024, the following order was passed:-

'The instant petition has been filed by the petitioner seeking benefit of pre-arrest bail in case arising out of FIR No.153 dated 18.04.2024 registered under Sections 341, 354-A(I), 354-D(I) and 506 of IPC and Sections 8 and 12 of POCSO Act at Police Station City Fatehabad, District Fatehabad on the basis of statement recorded by the prosecutrix – 'V' (name withheld) on 18.04.2024 alleging therein that the petitioner who previously used to work for her father, had been pressurising her to have friendship with him about three years back. Now he had started stalking her for the last 5-6 days. On 18.04.2024, when she was coming out of her institute, he stalked her on his bike, stopped her way and harassed her and pressurised her to have friendship with him and otherwise threaten to kill her family. She had brought it to the notice of her father and after registration of the FIR, investigation proceedings were initiated and are going on. The petitioner had moved an application for pre-arrest bail before the Additional Sessions Judge, Fatehabad which had been dismissed vide order dated 10.05.2024.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Previously, he had been employed as a driver with the father of the complainant and was having casual visiting terms with her family. Whatsapp messages were



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being exchanged between the petitioner and the complainant and since this fact had come to the knowledge of the her father, therefore, victim was made to lodge this FIR. He is ready to join the investigation and his custodial interrogation is not required.

Notice of motion.

On asking of the Court, Mr. Arjun Lakhanpal, Addl. A.G., Haryana accepts notice on behalf of the respondent-State and seeks time to file status report.

At this stage, on oral request of learned counsel for the petitioner, the prosecutrix/complainant is ordered to be impleaded as respondent No.2 in this petition. Amended memo of parties be filed by the counsel for the petitioner today, itself.

Notice to respondent No.2 be issued for 06.08.2024 after depositing requisite process fee by the petitioner.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C. '

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

Mr. Amit Khatkar, Advocate puts in appearance on behalf of respondent No.2 and files his *vakalatnama* in the Court today which is taken on record. He vehemently opposes the grant of anticipatory bail on the ground that the prosecutrix is merely 13 years of age and the petitioner is in possession of some pictures of the prosecutrix.

In view of the statement of learned State counsel, order dated 21.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

06.08.2024

Neha

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