

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

218

CRM-M-28038-2023
Date of decision: 24.04.2024

PARVESH

...PETITIONER

V/s

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Naresh Kumar Chhokar, Advocate and
Mr. Ram Bhati, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Kunal Dawar, Advocate and
Mr. Rohit Rana, Advocate for the complainant.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.31 dated 31.01.2023, registered for the offences punishable under Sections 363, 366 of IPC (Sections 406, 354-A, 506, 376(2) (n), 120-B, 419, 420 of IPC and Section 6 of POCSO Act, 2012) at Police Station Adarsh Nagar, District Faridabad, Haryana.

2. On 01.06.2023, the following order was passed:-

“This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.31 dated 31.01.2023, under Sections 363, 366 of IPC, 1860 (Sections 406, 354-A, 506, 376(2)(n), 120- B, 419, 420 of IPC and Section 6 of POCSO Act, 2012), registered at Police Station Adarsh Nagar, District Faridabad.

Learned counsel for the petitioner contends that the victim was more than eighteen years of age on the date when she eloped with the co-accused and filed a criminal writ petition seeking protection

of life and liberty apprehending threat from her parents. In her statement under Section 161 Cr.P.C. to the police dated 13.02.2023, Annexure P-5, the victim herself stated that she willingly accompanied the co-accused, with whom she had physical relations since July 2022, and had taken gold articles from home of her own will for solemnizing marriage. It is further contended by the learned counsel that the only allegation against the petitioner is that he helped the victim to come Chandigarh and engage a lawyer for filing petition before this Court, and also in pledging her gold. In these facts and circumstances, the offences alleged are not even prima facie made out against the petitioner.

Notice of motion.

Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent-State.

Adjourned to 18.10.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest, he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C.”

3. Learned State counsel, on instructions from SI Deepak, has stated that pursuant to the order dated 01.06.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the petitioner by arguing that the allegations made against the petitioner are serious in nature and hence he ought not to be extended the concession of anticipatory bail.

5. In view of above, the present petition is allowed and interim order dated 01.06.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 24, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No