

CRM-M-27758 of 2024

1

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

208

CRM-M-27758 of 2024

DATE OF DECISION :- 05.08.2024

Bilal Ali**...Petitioner****Versus****State of Haryana and another****...Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Sandeep Sharma, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J. (Oral)

Mr. Anmol Sharma, Advocate has filed memo of appearance for respondent No. 2. The same be taken on record.

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 445 dated 10.05.2024, registered for offences under Sections 341 of IPC and 8 of POCSO Act, at Police Station City Yamuna Nagar, District Yamuna Nagar.

2. On 29.05.2024, the following order was passed:-

Present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in case FIR No.445 dated 10.05.2024 registered under Sections 341 IPC and 8 of POCSO Act, 2012 at Police Station City Yamuna Nagar, District Yamuna Nagar on the basis of complaint submitted by the complainant-'A' (name withheld) alleging therein on 09.05.2024, he had gone out for some work and when he returned home at night, his daughter who was 17 years old is studying in 12th standard was scared. On insisting by her parents, she disclosed that on 09.05.2024 in the evening at about 7.30 PM, she was intercepted by a youth in front of Barishta shop and caught her hand and started misbehaving with her. At that time



his friend - 'P' (name withheld) was also with that youth who was having black coloured XUV car bearing No.0239. She disclosed that youth had been stalking her previously also. After registration of FIR, investigation is underway. On apprehension of his arrest, the petitioner had moved an application for pre-arrest bail before the learned Additional Sessions Judge (Fast Track Special Court under POCSO Act), Yamuna Nagar at Jagadhri which was dismissed vide order dated 24.05.2024. Learned counsel for the petitioner has argued that he has not been named in the FIR. He has been falsely implicated in this case. The police has been raiding in his house in connection with this case without any reason therefore, it is urged his custodial interrogation is not required. He is ready to join the investigation.

Notice of motion.

Learned State counsel who has advance notice of the petition seeks time to file status report.

Adjourned to 26.07.2024.

Notice to respondent no.2/complainant be issued for the date fixed.

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 In-vestigating/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.”

3. Learned State counsel, on instructions from ASI Shimla has stated that pursuant to the order dated 29.05.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition stands allowed and the interim order dated 29.05.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.



CRM-M-27758 of 2024 **3**

5. 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.
6. 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.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

05.08.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No