



Sr. No.211

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

CRM-M-31309-2024
Date of decision: 02nd September 2024

MAHESH @ MAHESH KUMARPetitioner

versus

STATE OF HARYANARespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: None for the petitioner.

Mr. Amrik Singh Narwal, D.A.G., Haryana,
assisted by HC Manju.

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.247 dated 24.05.2024, under Sections 354-A, 452 IPC, 1860, registered at Police Station City Narnaul, Narnaul, District Mahendergarh (Annexure P-1).

2. On 08.07.2024, following order was passed by this Court:-

“xxx xxx xxx xxx

2. *As per the version of the complainant on 23.05.2024, when she was preparing tea, some unknown persons came to her house and caught hold of her and tried to outrage her modesty.*

3. *Learned counsel for the petitioner inter alia contends that there is an un-explained delay of 29 hours in lodging the FIR. There was money transaction as the petitioner has sold vegetables to the husband of the complainant and the petitioner had only gone to demand his outstanding dues and has not even entered the house. He left from the gate when the prosecutrix informed that her husband is not at home.*

3. *Notice of motion.*



4. *On advance notice, Mr. Amrik Singh Narwal, D.A.G. Haryana, appears on behalf of the respondent-State and has informed that there is a CCTV footage and seeks time to place on record requisite documents.*

5. *Adjourned to 02.09.2024*

6. *In the meanwhile, in the event of the arrest of the petitioner, he shall be released on interim bail, on his furnishing bail bonds and surety bonds to the satisfaction of the arresting officer/Area Magistrate 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. Today, there is no representation on behalf of the petitioner.

4. Learned State counsel has filed status report dated 30.08.2024, by way of affidavit of Sh. Rajesh Kumar, HPS, Deputy Superintendent of Police, Narnaul, District Mahendergarh, on behalf of respondent-State of Haryana, which is taken on record.

4.1 Referring to Para No.6 of the status report, learned State counsel submits that the petitioner has joined investigation on 20.07.2024 and his further custodial interrogation is not required. It is further submitted that no other criminal case, except the present one, is pending against the petitioner.

5. In view of the reasons recorded in the order dated 08.07.2024 and keeping in view the fact that the petitioner has joined investigation and his further



custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 08.07.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

7. However, 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.

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

(HARPREET KAUR JEEWAN)
JUDGE

02nd September 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No