



206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32670-2024
Date of decision: 09.08.2024

ASHISH

V/S

...PETITIONER

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Sarvjeet Singh Thakur, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No.115 dated 17.05.2024 under Sections 341, 354-D, 506, 509 of the Indian Penal Code, 1860 (for short ‘IPC’) and Section 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Civil Lines, District Rohtak.

2. On 11.07.2024, following order was passed:

“The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’), seeking anticipatory bail in FIR No.115 dated 17.05.2024 under Sections 341, 354-D, 506, 509 of the Indian Penal Code, 1860 (for short ‘IPC’) and Section 12 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Civil Lines, District Rohtak.

Learned counsel for the petitioner, inter alia, contends that FIR (supra) was registered due to misunderstanding and now with the intervention of respectables of the society, the parties have settled the dispute amicably. The maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto



07 years and even no notice under Section 41-A Cr.P.C. has been issued to the petitioner.

Notice of motion for 09.08.2024.

At this stage, Mr. Sarvjeet Singh Thakur, Advocate appears on behalf of the complainant and files his Vakalatnama, which is taken on record. He submits that the complainant has no objection in case the petitioner is granted the concession of anticipatory bail.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer.*

In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law."

3. Learned State counsel, on instructions from ASI Naveen, submits that in compliance of order dated 11.07.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel, the



order dated 11.07.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

5. The petition is accordingly disposed of.
6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

August 09, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |