



213 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-35040-2024 (O&M)

Date of Decision: 22.08.2024

SHASHI

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Gulveer Kaur, Advocate for
Ms. Nisha Rana, Advocate for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 seeking anticipatory bail to the
petitioner in case bearing FIR No.375 dated 06.05.2024 under Sections 365
later on Sections 363/365/366-A/376(2)N/120-B of IPC and Sections 6 & 17 of
POCSO Act registered at Police Station Hisar Sadar, District Hisar, Haryana
(Annexure P-1).

2. On 24.07.2024, following order was passed:

*"The present petition has been filed under Section 482
of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking
anticipatory bail to the petitioner in case bearing FIR No.375 dated
06.05.2024 under Sections 365 later on 363/365/366-A/376(2)N/120-
B of IPC and Sections 6 & 17 of POCSO Act registered at Police
Station Hisar Sadar, District Hisar, Haryana (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends
that in fact the nephew of the petitioner and the prosecutrix were in
love with each other and their relationship was opposed by the father
of the prosecutrix due to which they had eloped. He further submits
that the petitioner only met the prosecutrix and her nephew in the
premises of the High Court and since it was closed, so she took them
home and when the prosecutrix made her statement under Section*



164 Cr.P.C., she had levelled no allegation against the petitioner.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on her doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

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

Adjourned to 22.08.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from MHC Kuldeep Singh, submits that in compliance of order dated 24.07.2024 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 24.07.2024, is made absolute. The petitioner shall abide by the
terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

22.08.2024	(HARPREET SINGH BRAR)	
Ajay Goswami	JUDGE	
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No