

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

242

CRA-S-2102-2023
Date of decision: 29.02.2024

Karan
State of Haryana and another

V/s

....Appellant
....Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sanpreet Sandhu, Advocate for the appellant.
Ms. Priyanka Sadar, AAG Haryana.
None for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present appeal has been filed challenging the order whereby anticipatory bail petition filed by the appellant under Section 438 of Code of Criminal Procedure, 1973 in case FIR No.130 dated 11.03.2023, under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO), Section 506 of IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station City Jagadhri, District Yamuna Nagar, has been dismissed.

2. On 25.08.2023, the following order was passed:-

“The present appeal has been preferred challenging the orders whereby the anticipatory bail petition filed by the appellant under Section 438 CrPC bearing No.CNR No.HRYN01-00-4558-2023 in FIR No.130 dated 11.03.2023 registered under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO), Section 506 of the Indian Penal Code, 1860 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been dismissed.

Learned counsel for the appellant would contend that there are no allegations qua POCSO Act against the appellant. It is further the contention that the offence under Section 325(a) IPC is not made out inasmuch as it has nowhere been stated that the petitioner herein was aware that the victim was a member of the Scheduled Castes and Scheduled Tribes.

Notice of motion.

Ms. Mahima Yashpal, DAG Haryana accepts notice on behalf of respondent No.1-State.

Let notice be issued to respondent No.2, returnable 24.11.2023.

Meanwhile, the appellant is directed to join investigation as and when called for. In the event of arrest, the appellant shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The appellant shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned State counsel, on instructions from ASI Baljeet Kaur, has stated that pursuant to the order dated 25.08.2023, the appellant has joined investigation and is no longer required for custodial interrogation.
4. In view of the above, the interim order dated 25.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be read granting appellant 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 appellant 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

February 29, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No