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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-37707-2024 (O&M)

Date of Decision: 05.09.2024

PAWAN ALIAS PAWAN KUMAR

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sudhir Rana, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Ms. Anita Sharma, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.213 dated 16.07.2024 under Sections 376(2)(n)/506 of IPC registered at Police Station Kosli, District Rewari.

2. On 05.08.2024, following order was passed:

“The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.213 dated 16.07.2024 under Sections 376(2)(n)/506 of IPC registered at Police Station Kosli, District Rewari.

Learned counsel for the petitioner inter alia contends that the petitioner attained majority on 13.07.2022 and he was minor at the time of the alleged incident. The prosecutrix is mature and major lady and the petitioner is having clean antecedents. He further submits that the complainant/prosecutrix has gone with the petitioner with her own sweet will and there is a delay of two years in the registration of the FIR (supra).

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 his 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 05.09.2024.

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 ASI Poonam, submits that in compliance of order dated 05.08.2024 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 05.08.2024, 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.

05.09.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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