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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40685-2024 (O&M)
Date of decision: 23.09.2024

Nishu @ Neeraj

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Davinder Kumar, Advocate
for the petitioner.

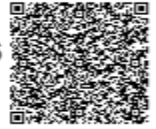
Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case bearing FIR No.383 dated 15.06.2024 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 376 of the Indian Penal Code, 1860, registered at Police Station Indri, District Karnal.
2. On 23.08.2024, the following order was passed:-

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case

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bearing FIR No.383 dated 15.06.2024 under Section 6 of POCSO Act, 2012 and Section 376 of IPC registered at Police Station Indri, District Karnal (Annexure P-1).

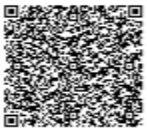
Learned counsel for the petitioner inter alia contends that petitioner and the prosecutrix were in a consensual relationship which was opposed to her family members, therefore, the FIR (supra) has been registered. The petitioner and the prosecutrix are major and got married on 15.07.2024. Thereafter, they have filed joint petition seeking protection before the District and Sessions Judge, Yamuna Nagar at Jagadhri. He further submits that now with the intervention of the Panchayat, a compromise has been effected between the parties.

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*

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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 23.09.2024.

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 Roshan, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 23.08.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.
5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

23.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No