

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-42782-2023 (O&M)
Date of Decision: 06.05.2024

SHIVAM

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Dheeraj Kumar Sharma, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

HARPREET KAUR JEEWAN , J.

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.239 dated 07.08.2023 registered under Sections 328, 506, 384, 120-B, 34 IPC and Sections 4 and 12 of the POCSO Act, 2012 at Police Station Kalka, District Panchkula.
2. Learned counsel for the petitioner *inter alia* contends that the present FIR was registered due to misconception and misunderstanding between the parties. He further contends that the petitioner had joined the investigation in pursuance to the order dated 22.11.2023 passed by the Coordinate Bench of this Court.
3. On 22.11.2023, the Coordinate Bench of this Court passed the following order:-

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.239 dated 07.08.2023 registered under Sections 328/506/384/120-B/34 IPC and Sections 4 & 12 of POCSO Act at Police Station Kalka, District Panchkula.

2. Learned counsel for the petitioner contends that the victim is aged about 17 years and was in relationship with the co-accused, namely, Himanshu Arora. The allegations with regard to commission of offence under Section 4 of POCSO Act have not been attributed against the petitioner and he has been falsely implicated in the instant case. Although, in the FIR, there are allegations to the effect that the petitioner was having obscene photographs of the victim and had extorted a sum of Rs.2,00,000/- from her on that score but the said allegation has not specifically been mentioned by the victim in her statement under Section 164 Cr.P.C. Moreover, there is no specific allegation against the petitioner with regard to outraging the modesty and there are general allegations against the friends of Himanshu Arora to the effect that they used to tease, chase and stalk the victim in the statement under Section 164 Cr.P.C.

3. Learned State counsel and the counsel for the complainant have opposed the bail application on the score that a sum of Rs.2,00,000/- has been extorted from the victim and the similarly placed co-accused, namely, Divyansh and Bhaskar have been arrested.

4. It is significant to note that the allegations with regard to commission of penetrative sexual assault have not been attributed against the petitioner. There is no specific allegation with regard to extortion of a sum of Rs.2,00,000/- specified by the victim in the statement under Section 164 Cr.P.C. There are general allegations against the petitioner and other friends of Himanshu Arora to the effect that they used to tease, chase and stalk her.

5. Adjourned to 07.02.2024.

6. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

4. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Saraswati confirms that the petitioner has joined the investigation.

5. Keeping in view the reasons recorded in the order dated 22.11.2023 and keeping in view the fact that the petitioner has joined investigation; his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 22.11.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

6. Nothing expressed hereinabove would be construed to be an

expression of opinion on merits of the case.

7. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

06.05.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No