

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-47151-2023(O&M)
Date of Decision: 06.05.2024

BANT SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

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

Present:- Ms. Promila Nain, Advocate with
Ms. Shivani Bansal, Advocate and
Mr. Harveen Mehta, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

Mr. Akhil Dadwal, Advocate
for the complainant.

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.0122 dated 29.05.2023 registered under Sections 10 and 12 of the POCSO Act, 2012 and Section 506 IPC at Police Station Raipur Rani, District Panchkula.
2. On 15.12.2023, the Coordinate Bench of this Court passed the following order:-

- “5. Learned counsel for the petitioner contends that as per the allegations, the victim who is 14 years of age, is studying in 8th standard. The petitioner, who was working as Punjabi Teacher molested the daughter of the complainant and with bad intention touched her body. She further contends that petitioner has been falsely implicated in the instant case. Statement of the victim under Section 164 Cr.P.C. was recorded due to misunderstanding and she has preferred petition before this Court for getting her supplementary statement recorded under Section 164 Cr.P.C.
6. Adjourned to 22.01.2024.
7. To be heard alongwith CRM-M-46145-2023.

8. Meanwhile, petitioner is directed to join investigation and remain present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Renu confirms that the petitioner has joined the investigation and his custodial interrogation is not required by the Investigating Agency. He has informed that one mobile phone recovered from the petitioner has been sent for forensic examination and report is still awaited. The matter stands compromised between the parties. The daughter of the complainant has also moved an application through Public Prosecutor for again recording of her statement under Section 164 Cr.P.C., which has been declined by the Magistrate.

4. Keeping in view the reasons recorded in the order dated 15.12.2023 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 15.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

5. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

6. 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