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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44657-2024 (O&M)
Date of decision: 09.09.2024

Hemant

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunil Chadha, Sr. Advocate with
Mr. Akshay Chadha, Advocate,
Mr. Tara Dutt, Advocate,
Mr. Paras, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the complaint/Protest Petition bearing CIS No.COMA-8-2023 dated 21.03.2023 titled as '*Anju Bala Vs. Hemant*' filed under Sections 6 & 10 of the Protection of Children from Sexual Offences Act, 2012, Section 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and the summoning order dated 20.08.2024 (Annexure P-2) passed by learned



Additional Sessions Judge, Fast Track Special Court under the POCSO Act, 2012, Gurugram as well as all the consequential proceedings emanating therefrom.

2. Learned senior counsel for the petitioner, *inter alia*, contends that veracity of the allegations made by respondent No.2 was examined thrice by the jurisdictional police authorities and cancellation report was submitted and it is a case of apparent false implication of the petitioner. Learned Court below, vide order dated 20.08.2024 (Annexure P-2), has summoned the petitioner and at the first instance, non-bailable warrants of arrest have been issued. Learned senior counsel for the petitioner relies upon judgments of the Hon'ble Supreme Court in ***Inder Mohan Goswami and another Vs. State of Uttaranchal and others, 2007(4) RCR (Crl.) 548*** and of this Court in ***Major Singh @ Major Vs. State of Punjab, 2023 (3) RCR (Crl.) 406*** and submits that learned Court below has committed a grave error by issuing non-bailable warrants of arrest against the petitioner.

3. Learned senior counsel for the petitioner submits that the petitioner would be satisfied, in case he is protected, as he is ready and willing to appear before learned trial Court. Learned senior counsel for the petitioner wishes to withdraw the present petition and seeks liberty to raise all the pleas raised in the present petition before learned trial Court during course of the trial.

4. In view of the above, present petition is dismissed as withdrawn



with liberty aforesaid. However, the petitioner is directed to appear before learned trial Court within a period of four weeks from today and on his doing so, he shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court.

09.09.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No