

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

208

Criminal Misc. No. M-47404 of 2023

Date of decision :-12.02.2024

Harinder @ Bali

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. R.K. Choudhary, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. H.S. Randhawa, Advocate as Legal Aid Counsel
for the complainant.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.74 dated 11.7.2023 (Annexure P-1), under Sections 354-D, 506 IPC and Section 12 of POCSO Act, registered at Police Station Women, District Palwal.

On 20.09.2023 co-ordinate Bench of this Court had passed the following order :-

“The petitioner herein seeks the relief of anticipatory bail in the criminal case arisen out of the FIR bearing No.74 dated 11.07.2023 registered at Police Station Women, District Palwal, under Sections 354-D & 506 IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioner, inter-alia, contends that in fact, the petitioner and his father had worked as Masons for the construction of the house of the landlord of the father of the victim and a dispute had arisen qua the payment of the wages in lieu thereof and due to this reason, the petitioner has been got falsely implicated in the criminal case under reference whereas he had never ever harassed the victim, as alleged in the subject FIR and moreover, the petitioner is ready and willing to join in the investigation as and when required by the Investigating Agency and is also not involved in any other criminal case.

Notice of motion.

Mr. Apoorv Garg, learned Senior Deputy Advocate General, Haryana, who has appeared in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions qua the instant matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

At this stage, Mr. Jaswinder Singh Rana, Advocate, has also put in appearance on behalf of the complainant and has submitted his Memo of Appearance in the Court and the same has been placed on the file.

Adjourned to 02.12.2023.

Meanwhile, the petitioner shall join in the investigation on 26.09.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of his arrest, he shall be released on interim bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of the

Arresting/Investigating Officer and he shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.

Power of Attorney on behalf of the complainant be filed on or before the next date of hearing.”

Learned State counsel, on instructions from L/SI Resham states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 20.09.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 12, 2024
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No