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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48827-2023 (O&M)

Date of Decision: 01.02.2024

PARVEEN KUMAR

Vs.

.....PETITIONER

STATE OF HARYANA

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sandeep Berwal, Advocate,
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana.

HARPREET KAUR JEEWAN J. (ORAL)

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. 534 dated 06.09.2023 under Sections 341, 354 and 354-A of the IPC registered at Police Station Krishna Gate Thanesar, District Kurukshetra.
2. The allegations against the petitioner are that on 05.06.2023 at around 04:30 p.m. the victim was going on foot along with her cousin and when she reached near the Cygnus Hospital, the petitioner came there on a car bearing No. HR-06-AQ-8526. The petitioner stopped the car in front of the victim, as well as made inappropriate touches.
3. Counsel for the petitioner submits that the petitioner was falsely implicated in the present case. Initially the matter was compromised and the complainant also executed an affidavit dated 07.09.2023 (Annexure P-2). However, the complainant backed from the said compromise and wanted to take action in order to extract money. It was further contended that the

petitioner has joined investigation, in compliance of the order dated 18.12.2023 passed by this Bench.

4. The said order reads as under:-

“Learned counsel for the petitioner inter-alia contends that the FIR was registered on the basis of the complaint moved by the complainant on 05.09.2023. Thereafter, the complainant effected a compromise with the petitioner (Annexure P-2). However, later on, the complainant has resiled from the compromise and again, she wants to initiate action against the petitioner. There is unexplained delay in lodging the FIR and even, the car of the petitioner is already lying in the Police Station.

Notice of motion for 01.02.2024.

In the meanwhile, the petitioner is directed to join investigation within one week and in the event of arrest, he shall be released on interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate. He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.”

5. Counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order.

6. A status report, dated 01.12.2023, by way of an affidavit of Sh. Subhash Chand, the Deputy Superintendent of Police, Kurukshetra, has already been filed by learned State counsel. The same is taken on record.

7. Learned counsel appearing on behalf of the respondent-State on instructions from Head Constable Renu Bala confirms that the petitioner has

joined the investigation and also contends that his further custodial interrogation is not required.

8. In view of the reasons recorded in the order dated 18.12.2023 and keeping in view the fact that the petitioner has joined the investigation, his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 18.12.2023 passed by this Bench, granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

10. Liberty is reserved in favour of the State/complainant to move for cancellation/recall of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

11. Pending miscellaneous application (s), if any, shall also stand disposed of.

February 01, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No