

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

280

CRM-M-50944-2023 (O&M)
Date of decision: 12.01.2024

Rashid ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Bhavdeep Singh Mamli, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 0075, dated 12.07.2023, under Sections 354-A, 354-B, 354-D, 506 and 34 of the IPC at Women Police Station Palwal, District Palwal.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the written complaint filed by complainant 'J' (*name withheld*) alleging therein that on 05.07.2023, he received a telephonic call from accused Nasir Hussain, who uttered obscene and objectionable words qua his daughter 'R' (*name withheld*). Since he was out of station on that day and came back home on the next day, he made enquiry from his daughter, who told him that from quite some time, accused/petitioner Rashid and said Nasir Hussain had been harassing her sexually and were trying to commit wrong with her but out of fear of the society, she was bearing all this. They were even extending threats

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to kidnap her and commit rape upon her. The complainant alleged that even his elder married daughter had informed him that the petitioner and co-accused used to make calls to her husband and send vulgar messages. Therefore, he prayed for taking action against the culprits. After registration of the FIR, the statement of the victim under Section 164 Cr.P.C. was recorded, wherein she alleged that on 07.07.2023 also, the petitioner as well as co-accused harassed her and the petitioner caught hold of her hands while she had gone to the well of the village. The investigation proceedings in the matter are going on. The petitioner had filed an application for grant of anticipatory bail before the Additional Sessions Judge, Palwal but the same was dismissed, vide order dated 25.09.2023 (Annexure P-2).

2. Vide order dated 09.10.2023, passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

3. Learned State counsel, in terms of status report filed today in Court, states that the petitioner has joined the investigation and he is not required for custodial interrogation.

4. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 09.10.2023, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

12.01.2024

(MANISHA BATRA)
JUDGE

Waseem Ansari

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No