

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

CRM-M-49816-2024

Date of decision: 04.11.2024

...Petitioner

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pradeep Chhoker, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.184 dated 16.07.2024 (Annexure P-1) under Sections 354-C/354-D/506/384/34 of IPC registered at Police Station Sector 6, Dharuhera, District Rewari.

On 03.10.2024, the following order was passed:-

'The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking anticipatory bail in FIR No.184 dated 16.07.2024 under Sections 354C, 354D, 506, 384, 34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sector 6, Dharuhera, District Rewari.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. In fact, the prosecutrix was having friendship with one Ankit and during the investigation, no objectionable video was recovered from the possession of Ankit and as such, entire case of the prosecution falls flat in the absence of such video clip. Both Ankit and Dipal were minors and under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015, they were released by learned Principal Magistrate, Juvenile Justice Board, Rewari vide order dated 14.08.2024 (Annexure P-2). Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 05 years. The petitioner is having clean antecedents and is not involved in any other case and even no notice under Section 35(3) of BNSS has been issued to him.

Notice of motion for 04.11.2024.

Keeping in view the ratio of law enunciated by the Hon’ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273**, **Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427**, **Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51**, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375** and **Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.’

Learned State counsel on instructions from ASI Ravi Kumar, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 03.10.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

04.11.2024
Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No