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

CRM-M-50120-2024

Date of decision: 18.11.2024

Naresh Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Surinder Singh Duhan, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR
No.104 dated 09.08.2024 (Annexure P-1) under Sections 376A-B/506 of IPC and
Section 6 of POCSO Act, 2012 registered at Police Station Alewa, District Jind.

On 15.10.2024, the following order was passed:-

*'Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking
anticipatory bail in FIR No.104 dated 09.08.2024 under Sections
376AB & 506 of the Indian Penal Code, 1860 and Section 6 of the
Protection of Children from Sexual Offences Act, 2012, registered at
Police Station Alewa, District Jind.*

*Learned counsel for the petitioner, inter alia, contends that the
petitioner has been falsely implicated in the present case due to
ongoing matrimonial dispute with his wife-complainant. The FIR
(supra) has been lodged after a delay of 11 months and earlier also,
on the same set of allegations, the complainant made a complaint,
however, she withdrew the same by stating that she filed the complaint
due to some misunderstanding. It is further contended that the
petitioner has filed a petition under Section 13 of Hindu Marriage Act,
1955 before learned Principal Judge, Family Court, Jind and
thereafter, when the complainant received the summons of the divorce
petition, she got the present FIR registered. It is also contended that
more than 25 respectable persons of the village had appeared before
the Deputy Superintendent of Police, Jind and they made a joint
statement that the victim never resided in the village.*

Notice of motion.

*Mr. Karan Singh, Advocate accepts notice on behalf of the
complainant and files his Vakalatnama in the Court today, which is
taken on record. He vehemently opposes the prayer for grant of*

anticipatory bail to the petitioner on the ground that there are serious and specific allegations against the petitioner.

*Learned State counsel seeks more time to file the status report.
Adjourned to 18.11.2024.*

*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. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS.*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before 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 learned trial Court shall decide the same on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from SI Nafe Singh, 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 15.10.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS (earlier 438(2) Cr.P.C.)

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

18.11.2024
Neha

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