

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53160-2023
Date of decision: 29.04.2024

ManojPetitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Aditya Sanghi, 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.269 dated 04.08.2023 under Sections 363/366-A/506 of IPC registered at Police Station Mohindergarh Sadar, District Mohindergarh, Haryana.

On 19.10.2023, the following order was passed:-

1. *'The petitioner is seeking anticipatory bail in the case bearing FIR No.269 dated 04.08.2023 under Sections 363/366-A/506 IPC registered at Police Station Mohindergarh Sadar, District Mohindergarh.*
2. *Learned counsel for the petitioner contends that the FIR has been registered at the instance of the brother of the victim, who is stated to be aged about 16 years, as she went missing from the house on 02.08.2023. The victim was produced in the police station by the petitioner himself on 09.08.2023. The statement of the victim under Section 164 Cr.P.C. was recorded wherein she had not attributed any allegation with regard to threat, pressure, force or allurement exercised upon her at the instance of the petitioner. The victim had even refused for her medico-legal examination. The victim was taken back to her parental house and under the influence and pressure of the parents, she made a statement on 31.08.2023 before the Investigating Agency to the effect that the petitioner and her other family members had sexually exploited her. Subsequently, on 08.09.2023, her supplementary statement under Section 164 Cr.P.C. was recorded and on the basis thereof, the offence under Section 506 IPC has been added. The Penal provisions of Protection of Children from Sexual*

Offences Act have not been invoked in the instant case. The investigating agency intends to recover the motorcycle of the petitioner which has been allegedly used in the commission of crime and the petitioner is ready and willing to join the investigation and hand over the same to the Investigating Agency.

- 3. *Notice of motion.*
- 4. *Mr. Ranvir Singh Arya, Additional Advocate General, Haryana, accept notice on behalf of the respondent-State and seeks adjournment to get instruction and submit the reply in the matter.*
- 5. *Mr. Sourabh Sheoran, Advocate, joins the proceedings on behalf of the complainant and submits that initial statement of the victim was recorded on 09.08.2023 as she was under the influence of the petitioner. The subsequent statement has been recorded when there was no threat working upon her mind at the instance of the petitioner.*
- 6. *Adjourned to 05.01.2024.*
- 7. *In the meanwhile, the petitioner is directed to join investigation and in the even of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.'*

Learned State counsel on instructions from HC Sunil, 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 19.10.2023 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

29.04.2024
Neha

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