

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60242-2023

DATE OF DECISION : 05.02.2024

RAJENDER @ RAJESH
V/S
STATE OF HARYANA

... PETITIONER

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Rohit Mital, Advocate for the petitioner.
Mr. Amrik Singh Narwal, D.A.G., Haryana.

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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.09 dated 05.01.2023 under Sections 323, 342, 506 IPC and Sections 6 and 8 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Nangal Choudhary, District Mahendergarh.(Annexure P-1).
2. Counsel for the petitioner *inter alia* contends that the petitioner was granted interim bail as per the order dated 01.12.2023 passed by the co-ordinate Bench of this Court. The relevant portion of the aforesaid said order reads as under:-

“xxxx Learned counsel for the petitioner contends that primarily the allegations with regard to commission of penetrative sexual assault have been attributed against the co-accused. The allegations against the petitioner are only to the effect that he had outraged the modesty of the victim. The age of the victim at the time of occurrence was more than 18 years. On the conclusion of the investigation, the challan has been presented against Vikram, co-accused. During the course of trial, the victim has not supported the version of the prosecution. The arrest of the petitioner has neither been effected nor he has been declared proclaimed offender.

3. *Notice of motion.*

4. *Mr. Ranvir Singh Arya, Addl. AG Haryana accepts notice on behalf of the State and seeks adjournment to get instructions and submit the reply.*

5. *Adjourned to 05.02.2024.*

6. *Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”*

3. Counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 01.12.2023 passed by the co-ordinate Bench of this Court.

4. Status report by way of affidavit of Jitender Kumar, Deputy Superintendent of Police, Narnaul, District Mahendergarh, on behalf of the State has been filed by learned State counsel. The same is taken on record.

5. Learned State counsel, on instructions from ASI Rajesh contends that in compliance of the order passed by this order dated 01.12.2023, the petitioner has joined investigation on 15.12.2023 and during interrogation, he has suffered a disclosure statement admitting his involvement in the present crime. As per the status report, his custodial interrogation is not required in the present case.

6. In view of the reasons recorded in the order dated 01.12.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 01.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

05.02.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE