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

CRA-S-3557-2023

Date of decision: 29.08.2024

Kuldeep Kumar

....Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Bhanu Chaudhary, Advocate
for the appellant.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

Present appeal has been filed under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 03.10.2023 passed by learned Additional Sessions Judge, Fatehabad, in FIR No.228 dated 19.08.2023 under Sections 354a(1)(i), 452, 384, 506, 34 of IPC, Sections 66-E, 67-A of I.T. Act, Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(2)W(1) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar Ratia, District Fatehabad, vide which application seeking anticipatory bail to the petitioner was dismissed.

On 29.07.2024, the following order was passed:-

'Present appeal has been filed under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order dated 03.10.2023 passed by learned Additional Sessions Judge, Fatehabad, in FIR No.228 dated 19.08.2023 under Sections 354a(1)(i), 452, 384, 506, 34 of IPC, Sections 66-E, 67-A of I.T. Act, Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(2)W(1) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar Ratia, District Fatehabad, vide which application seeking anticipatory bail to the petitioner was dismissed.

Learned counsel for the appellant, inter alia, contends that as per case set

up by the prosecution, it is co-accused Ravi Kumar, who forcibly entered into house of the complainant and molested minor daughter of the complainant and while doing so, he clicked the photographs and also made videos. Co-accused Ravi Kumar is alleged to have blackmailed the complainant and the victim by showing those photographs and videos and Rs.2.00 lacs were taken from the victim and he handed over those photographs and videos to the appellant. Thereafter, the appellant started blackmailing the victim and tried to establish the physical relations and took Rs.50,000/- from her. She further contends that the case set up by the prosecution is too farfetched and highly improbable. The appellant is alleged to have taken money from the victim in the month of March, 2023. However, FIR (supra) was registered on 19.08.2023 and as such, inordinate delay causes serious doubt on the veracity of the allegations made against the appellant.

Learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner on the ground that there are specific allegations against the appellant.

Office report indicates that respondent No.2 was duly served.

However, there is no representation on her behalf.

Adjourned to 29.08.2024.

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 appellant 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 appellant shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the appellant shall co-operate in the investigation.

If the arresting officer does not permit the appellant to join the investigation, he would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the appellant 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 Om Prakash, at the very outset informs the Court that the appellant has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 29.07.2024 is hereby made absolute. The appellant shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The appeal stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

29.08.2024

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