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IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M-63101-2023

Date of decision: 4th March, 2024

Sonu Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sushil Sheoran, Advocate for the petitioner.
Mr. Neeraj Poswal, A.A.G., Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Police Station	Sections
317	Dadri City, District Charkhi Dadri	34/354-D/364/376/511 of Indian Penal Code, 1860 (for short ‘IPC’) (120-B added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the abovementioned FIR has been registered on the basis of complaint filed by the victim, alleging therein that on 06.10.2023, she alongwith her sister had gone to college for some work. While they were about to reach the college, a Santro car bearing No. HR26AH3027 driven by accused reached there. The accused-Vikas forcibly pulled the victim inside the car. One more youth i.e. the present petitioner who was also occupant of the said car, got down from the car on the way. She alleged that the accused

Vikas had taken her to some village, where he had tried to ravish her but in the meantime, police reached there and he ran away. Co-accused Vikas was arrested on 23.10.2023, he suffered disclosure statement on custodial interrogation and took the name of the present petitioner, on the basis of which, the present petitioner was nominated as co-accused who was present in the vehicle, wherein the victim was taken away at the relevant time.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he had not been named in the FIR for the act of kidnapping/abducting the victim, sexually harassing her and making an attempt to commit rape upon her and no specific allegation has been attributed to the present petitioner. Rather the same had been attributed to the co-accused. The custodial interrogation of the petitioner is not required. Even in her statement recorded under Section 164 of Cr.P.C., the victim has not named the petitioner. He has been falsely implicated in this case. His custodial interrogation is not required.

4. It will not be out of place to mention here that vide order dated 15.12.2023, the petitioner was directed to join the investigation and as per the status report submitted by learned State counsel, the petitioner has joined the investigation on 21.10.2023. No recovery is to be effected from him.

5. Learned State counsel has very fairly admitted that custodial interrogation of the petitioner is not required. Though it is submitted by him that there are specific allegations against the petitioner and there are chances of his absconding, if extended benefit of bail and it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

7. The petitioner has joined the investigation. He was not named in the FIR. No direct participation in commission of subject offences has been attributed to him. His custodial interrogation is not required. His detention would serve no useful purpose. Therefore, keeping in view the nature of the allegation which have been levelled against the petitioner, and other facts and circumstances of the case, I am of the considered opinion that this is a fit case for exercising powers under Section 438 of Cr.P.C. and extending benefit of anticipatory bail to the petitioner. Accordingly, the present petition is allowed and order dated 15.12.2023 whereby the petitioner was directed to join the investigation is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th March, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No