



202 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRA-S-3951-2024 (O&M)
Date of Decision: 17.12.2024

MONU

...Appellant

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

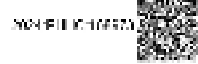
Present: Mr. Sandeep Kumar Sharma, Advocate with
Mr. Simranpreet Singh, Advocate for the appellant.
Ms. Geeta Sharma, DAG Haryana.
None for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Present appeal has been preferred against the order dated 08.11.2024 passed by learned Additional Sessions Judge-cum-Fast Track Special Court (under POCSO Act), Narnaul, in FIR No.37 dated 15.07.2024 under Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'), Section 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act'), registered at Police Station Women, Narnaul, vide which anticipatory bail application filed by the appellant has been dismissed.

2. On 03.12.2024, following order was passed:

"Present appeal has been preferred against the order dated 08.11.2024 passed by learned Additional Sessions Judge-cum-Fast Track Special Court (under POCSO Act), Narnaul, in FIR No.37 dated 15.07.2024 under Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'), Section 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act'), registered at Police Station Women, Narnaul, vide



which anticipatory bail application filed by the appellant has been dismissed.

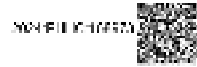
Learned counsel for the appellant, inter alia, contends that there is no allegation against the appellant in the FIR (supra). The statement of the prosecutrix was recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023 [erstwhile Section 164 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] , in which the appellant was not named. All the allegations with regard to provisions of POCSO Act are against main accused Vijay. Further, there is no allegation against the appellant with regard to invocation of provisions of SC&ST Act and he has been involved in the present case only as accomplice.

Notice of motion for 17.12.2024.

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 one week 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. The appellant shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).

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



3. Learned State counsel on instructions from Inspector Manju Shah, submits that in compliance of order dated 03.12.2024 passed by this Court, the appellant has joined the investigation and is not required for further custodial interrogation.
4. In spite of service of notice issued to respondent No. 2, there is no representation on her behalf.
5. Keeping in view the statement made by learned State Counsel the order dated 03.12.2024, is made absolute. The appellant shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.
6. The petition is accordingly disposed of.

17.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>