

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
205

CRM-M-65488-2023
Date of decision: 29.05.2024

ADHIKAR BEHL (MINOR) THROUGH HIS FATHER

...PETITIONER

V/s

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Prashant Singh Chauhan, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.0219 dated 20.11.2023, registered for the offences punishable under Section 12 of POCSO Act, 2012 at Women Police Station Rewari, District Rewari.

2. On 27.12.2023, the following order was passed:-

“The petitioner, a 15 years old young boy, prays for pre-arrest bail in a criminal case arising from FIR No.0219, dated 20.11.2023, registered under Section 12 of the Protection of Children from Sexual Offences Act, 2012, at Women Police Station, Rewari, District Rewari, Haryana.

In substance, the allegations against the petitioner are that he by misusing the mobile phone of his grandmother has sent obscene message to his classmate by creating a fake ID.

The learned counsel representing the petitioner contends that the petitioner is being falsely implicated and in any case custodial interrogation of the petitioner is not required because he is prepared to hand over the mobile phone to the Investigating Officer. Notice of motion for 12.02.2024.

On the request of this Court, Mr. Gurmeet Singh, AAG, Haryana, accepts notice on behalf of the State. In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to

furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from SI Kapila, has stated that pursuant to the order dated 27.12.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of above, the present petition is allowed and interim order dated 27.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
8. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 29, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No