



CRM-M-9435-2025

290

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9435-2025

Date of Decision: 25.03.2025

Harpreet Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Yashveer Kharb, Advocate
for the petitioner

Mr. Brijesh Sharma, AAG Haryana

KIRTI SINGH, J.(Oral)

Prayer in the present petition filed under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner, in case FIR No.0357 dated 22.10.2024 registered under Section 8 of POCSO Act, 2012 (Sections 74 and 75(2) of BNS and 12 of the Protection of Children from Sexual Offence Act, 2012 added later on) at Police Station Cheeka, District Kaithal.

2. The following order was passed on 18.02.2025:-

“Learned counsel for the petitioner submitted that there has been a delay of about 1½ months in lodging of the FIR from the date of incident and allegedly the allegation of only hugging was mentioned in the FIR. He further submitted that no such occurrence had taken place and the petitioner is not even a teacher of the School against whom the allegations have been made and the entire story is a concocted and a false story. He also submitted that the petitioner is ready and willing to join the investigation as and when called by the Investigating Officer and he also undertakes to surrender and deposit



CRM-M-9435-2025

2

his mobile phone with the Investigating Officer, within a period of two days from today.

Notice of motion.

On the asking of the Court, Mr. Surinder Kumar Dagar, DAG, Haryana, accepts notice on behalf of the respondent-State. He has prayed for some time to seek instructions and to file reply in the present case.

Adjourned to 25.03.2025.

Till the next date of hearing, the arrest of the petitioner shall remain stayed.

The petitioner shall deposit his mobile phone which he has been using for the last 2 years with the Investigating Officer, within a period of two days from today. In case the same is not deposited by the petitioner within the aforesaid stipulated period, then the interim protection granted to him shall automatically stand vacated. ”

3. Learned State counsel on instructions from SI Rajesh Kumar submits that the petitioner has joined the investigation and is not required for any further investigation.
4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 18.02.2025 passed by this Court, is hereby made absolute.
5. This order should not be treated as "blanket" order. It will not be read granting the 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. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.

**CRM-M-9435-2025**

7. The accused/petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.
8. The accused/petitioner shall not leave India without prior permission of the Court.
9. The accused/petitioner shall join the investigation as and when called by the police.
10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) BNSS (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
11. Pending application(s), if any, also stands disposed of accordingly.

25.03.2025

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Whether speaking/reasoned
Whether reportable

(KIRTI SINGH)
JUDGE

Yes/No
Yes/No