

**CRM-M-13966-2025(O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****210****CRM-M-13966-2025(O&M)****Date of Decision: 15.05.2025**

Sandeep Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**Present:-** Mr. Angrej Singh Sarwara, Advocate for
Mr. Sukhcharan Singh Gill, Advocate for the petitioner.

Mr. Brijesh Sharma, AAG, Haryana.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest, the petitioner has filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No.400 dated 16.07.2024, under Sections 363, 366, 376D, 341, 384, 506 of IPC and Section 4 of POCSO Act (challan presented under Sections 363, 366, 376D, 341, 384, 506, 201 IPC and Section 6 of POCSO Act and Sections 66E, 67A, 67B of IT Act), registered at Police Station City Tohana, District Fatehabad.

2. This Court on 07.04.2025 while issuing notice of motion, directed the petitioner to join investigation and passed the following order:-

“Apprehending arrest, the petitioner has filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No.400 dated 16.07.2024, under Sections 363, 366, 376D, 341, 384, 506 of IPC and Section 4 of POCSO Act (challan presented under Sections 363, 366, 376D, 341, 384, 506, 201 IPC and Section 6 of POCSO Act and Sections



66E, 67A, 67B of IT Act), registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner inter alia submits that the petitioner is a juvenile aged about 17 years and has been falsely implicated in this case which was lodged after almost one year from the date of the alleged incident. The petitioner was not named in the FIR and he has been nominated as an accused solely on the basis of disclosure statement of the main accused whereby he averred that he airdropped the video in question to the petitioner. It is further submitted that the two main accused have already been granted the concession of bail.

Adjourned to 15.05.2025.

The arrest of the petitioner shall remain stayed.

In the meantime, the petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023;-

1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

2) That the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the case so as to dissuade him from disclosing such facts to Court or to any police officer.

3) That the petitioner(s) shall not leave India without prior permission of the Court.

Needless to mention that the investigating agency/officer shall continue with the investigation of the case in usual manner.”

3. Learned State counsel on instructions from SHO- Parhlad- Investigating Officer(s), submits that in compliance of the aforesaid order, 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 07.04.2025 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.

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) of 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.

15.05.2025
Kapil

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No