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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-28989-2024**

Date of Decision:- 29.01.2025

**KRISHAN KUMAR ALIAS KALA**

....Petitioner

Vs.

**STATE OF HARYANA AND ANR**

...Respondents

**CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Aditya Gautam and Mr. Shubham Mehta, Advocates  
for petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. C.S. Bakhshi, Advocate with Mr. Mohit Rana, Advocate  
for respondent No.2.

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**AMARJOT BHATTI, J.**

1. Petitioner has filed instant petition under Section 438 Cr.P.C for grant of anticipatory bail in FIR No.93 dated 02.03.2024 (Annexure P-1) under Sections 354-D, 34, 506 IPC and Section 12 of POCSO Act registered at Police Station Ram Nagar, District Karnal.

2. Facts of the case are, complainant gave her statement that his daughter i.e. the victim was being harassed by mischievous boys everyday. Those were namely Krishan, Tushar and Sparsh Chawla. Whenever his daughter used to go to tuition, they click her photographs with their mobile phones. She was continuously troubled by them. His daughter, who is about 16 years of age, also talked about committing suicide due to the harassment caused to her. With these allegations, present FIR has been registered.

3. Learned counsel representing petitioner denied the allegations. It is pointed out that petitioner is painter by profession and he is cousin of victim's father. Due to family dispute he is falsely named in this case. Facts alleged by the victim cannot be believed and it is highly improbable as house of petitioner is single storey house. He has annexed photographs of his house (Annexure P-3). He has already joined the investigation and fully cooperated with the Investigating Agency. He is still ready to do so. Therefore, his anticipatory bail may be allowed.

4. Bail application is opposed by learned counsel representing complainant. It is pointed out that present petitioner is residing in the neighbourhood and there is every likelihood that he may further harass the complainant or her minor daughter. The allegations are grave in nature. Victim is about 16 ½ years of age whereas petitioner is 41 years old man. Considering the gravity of offence, he is not entitled to be released on anticipatory bail.

5. Learned counsel representing State filed status report confirming the facts detailed in the FIR. It is conceded that petitioner has joined the investigation on 08.06.2024 and cooperated with the Investigating Agency. Mobile phones in possession of present petitioner are already taken into police possession. Investigation regarding other co-accused is also going on. It is mentioned that it was Tushar accused who had clicked photographs of the victim from his mobile phone. Statement of victim recorded under Section 164 Cr.P.C. (Annexure R-1) and the disclosure statement of present petitioner (Annexure R-2) are also annexed with the status report.

6. I have considered the arguments and have gone through the record. As referred above, present petitioner was granted interim bail by the coordinate Bench vide detailed order dated 24.09.2024 and in pursuance of this he has joined the investigation and mobile phones belonging to him are also taken into police possession. Investigating Officer SI Meena present in Court confirmed that he is not required for further investigation, but the petitioner can still harass the victim. As petitioner has already joined the investigation, no purpose would be served by sending him behind the bars. He is still ready to abide by the terms and conditions of bail order. In light of this, interim bail already granted in favour of present petitioner, vide order dated 24.09.2024 stands confirmed subject to conditions envisaged under Section 438 (2) Cr.P.C. with further condition that petitioner will furnish his undertaking before SHO/Investigating Officer concerned that he will not contact the victim directly/indirectly in any manner.

7. Petition is, accordingly, disposed of.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

**(AMARJOT BHATTI)**  
**JUDGE**

**29.01.2025**

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No