

Law Today Live Doc. Id. 15659

PUNJAB AND HARYANA HIGH COURT

Before: Arvind Singh Sangwan, J.

CRM-M No. 28322 of 2020 (O&M)

Decided on: 25.11.2020

Mohit

Petitioner

Versus

State of Haryana

Respondent

Present:

Mr. Tushar Gautam, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Protection of Children from Sexual Offences Act, 2012 (32 of 2012), Section 10 – Indian Penal Code, 1860 (45 of 1860), Sections 323, 354-B, 452, 506, 34 IPC – Code of Criminal Procedure, 1973 (2 of 1974), Section 438 -- Disrobe the woman/minor – POCSO matter – Anticipatory bail – There is dispute between two families resulting in registration of two FIR's, taking the allegations in the FIR on its prima facie value, the serious allegations are only against accused S and R, interim bail granted -- Petitioner has appeared before the Investigating Officer and joined the investigation and he is no more required for further investigation -- Petition allowed.

(Para 2-5)

ARVIND SINGH SANGWAN, J. (ORAL) –

1. The petitioner prays for grant of anticipatory bail in FIR No.343 dated 02.07.2020, registered under Sections 323, 354-B, 452, 506, 34 IPC and 10 of the POCSO Act, 2012 at Police Station, Camp Palwal.

2. The operative part of the order dated 21.09.2020, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...The FIR was at the instance of Sunita wife of Jahar Singh. The allegations are that Sujana and Rahul entered the house of the complainant and started eve-teasing her daughter aged 12/13 years, her clothes were torn and the two accused caught her upper front portion. Jasbir, Chaman, Suraj and Mohit (petitioner) also entered the house of the complainant and gave beatings to her daughter.

Learned counsel for the petitioner submits that the present FIR is a counter-blast to FIR No. 296 dated 13.6.2020, under Sections 323, 34, 452 and 506 IPC, registered at Police Station, Camp Palwal. The complainant in the said FIR was Dablu father of co-accused-Suraj. It is further submitted that there is no specific allegation against the petitioner and the allegations under the POCSO Act are attributed to Sujana and Rahul.

Learned counsel for the State submits that the matter is under investigation and on its completion it would be evident whether the provisions of POCSO Act would apply against the petitioner or not. He

further submits that no arrest has been made till date and in such circumstances custodial interrogation would be necessary.

On a pointed query, learned counsel for the State on instructions fairly submits that all the accused in FIR No. 296 have already been granted anticipatory bail.

Considering the contentions and in view of the facts, that there is dispute between two families resulting in registration of two FIR's, taking the allegations in the FIR on its prima facie value, the serious allegations are only against accused Sujan and Rahul, interim bail is granted to the petitioner subject to joining his investigation within two weeks. He shall be bound by the conditions under Section 438(2) Cr.P.C.

Put up on 25.11.2020....”

3. Counsel for the petitioner has submitted that, in pursuance to the order dated 21.09.2020, the petitioner has appeared before the Investigating Officer and has joined the investigation.

4. Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

5. In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 21.09.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition allowed.
