



206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50077-2024
Date of decision: 14.05.2025

SAHIL SINGH

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. C. S. Jattana, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Sunil Sihag, Advocate
for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the BNSS, 2023 for the grant of anticipatory bail to the petitioner in FIR No.201 dated 02.07.2024, under Sections 354-A, 363, 366-A of the IPC and Section 10 of the POCSO Act, registered at Police Station Kalanwali, District Sirsa, Haryana.
2. Learned counsel for the petitioner submitted that in the present FIR, allegations were made by the complainant that his daughter, who is of the age of 17 years, had gone outside and did not return for about three hours and on being asked the reason for coming late, she stated that one Deepak alias Kaku came in a car and started a conversation with her and made her sit in the aforesaid car on the pretext of marriage and three other boys including the



present petitioner were already seated in the aforesaid car and on the way, all of them molested her and wrongly touched her against her will. He further submitted that the aforesaid allegations made in the FIR are *per se* self-contradictory. He further submitted that on the one hand, the allegations were made that the daughter of the complainant, who was of the age of 17 years sat in the aforesaid car on the pretext of marriage with one Deepak alias Kaku, which shows that there must have been some relationship between the daughter of the complainant and aforesaid Deepak alias Kaku and on the other hand, when a promise of marriage was made by one of the co-accused then it is highly improbable that the other co-accused would have molested the daughter of the complainant and the names of other co-accused including the petitioner have been mentioned in order to pressurize and falsely implicate them.

3. Learned counsel further submitted that be that as it may, when notice of motion was issued by this Court on 14.10.2024, an interim order was also passed that in the meantime, no coercive action shall be taken against the petitioner and thereafter, the petitioner has joined the investigation and has fully cooperated with the investigation process. He also submitted that the petitioner undertakes that in case in future he is required to join the investigation, then he will join the investigation and cooperate fully with the investigation process and therefore, considering the fact and circumstances, he may be considered for the grant of anticipatory bail.

4. On the other hand, Mr. Surinder Kumar Dagar, DAG, Haryana submitted on instructions from PSI Sunil Kumar that the petitioner was also sitting in the car and the allegations of molestation were against him also but he



has already joined the investigation and has fully cooperated with the investigation process and he is not required for custodial interrogation.

5. Learned counsel for respondent No.2 submitted that the petitioner was the driver of the car, which was involved in the present case and there are direct allegations of molestation against him. He further submitted that the other co-accused, apart from aforesaid Deepak alias Kaku, were minors and juveniles, who were arrested by the police and subsequently, were granted bail by the Juvenile Justice Board.

6. I have heard the learned counsels for the parties.

7. As per the allegations contained in the FIR, it was so alleged by the complainant that his daughter reported to him that she was molested by one Deepak alias Kaku alongwith three other boys including the petitioner and she further stated that under the pretext of marriage, the aforesaid Deepak alias Kaku had made her sit in the car. It was the argument raised by the learned counsel for the petitioner that the aforesaid allegations are self-contradictory as it is not possible that when the girl was made to sit in the car on the pretext of marriage by aforesaid Deepak alias Kaku then in the same car molestation was done by the petitioner as well, who as per the learned counsel for the complainant was driving the car.

8. Learned State counsel has categorically submitted that after the interim order was passed by this Court vide order dated 14.10.2024, the petitioner has already joined the investigation and has fully cooperated with the investigation process and he is not required for custodial interrogation.



9. In view of the aforesaid facts and circumstances, this Court is of the considered view that the petitioner deserves the concession of anticipatory bail.

10. Consequently, the present petition is allowed. It is directed that in case in future the petitioner is required to join the investigation process, then he shall join the investigation and cooperate fully with the investigation process. In the event of arrest, the petitioner shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 482(2) of the BNSS, 2023.

(JASGURPREET SINGH PURI)
JUDGE

14.05.2025
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No