



Jageer Khan v. State of Haryana (P&H)

2024 :PHHC: 64428 = (2024) Law Today Live Doc. Id. 19235

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PUNJAB AND HARYANA HIGH COURT

Before: Mahabir Singh Sindhu, J.

CRM-M-10837 of 2024 (O&M)

Decided on: 08.05.2024

Jageer Khan - Petitioner

Versus

State of Haryana - Respondents

Protection of Children from Sexual Offences Act, 2012 (32 of 2012), Section 8 -- Indian Penal Code, 1860 (45 of 1860), Section 342 -- Code of Criminal Procedure, 1973 (2 of 1974), Section 438 – POCSO – Anticipatory bail – Neither the victim nor his father is inclined to pursue the matter against the petitioner any further, interim bail granted – State acknowledged that petitioner has joined investigation, his custodial interrogation is not required – Petition allowed, interim order made absolute.

(Para 6-8)

Full text Judgment/ Order with Headnote

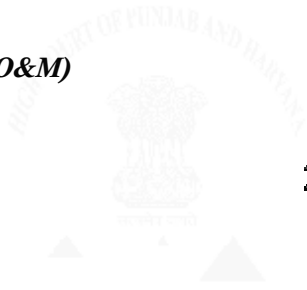
Note:

For easy reference of readers, alongwith Headnote, the judgment downloaded from the official website of the Court has been annexed

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CRM-M-10837-2024 (O&M)



2024:PHHC:064428



207

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

CRM-M-10837-2024 (O&M)

Date of decision: 08.05.2024

Jageer Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ravi Malik, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.22 dated 15.01.2024, under Section 8 of the Protection of Children from Sexual Offences Act, 2012 & Section 342 of the Indian Penal Code, 1860, registered at Police Station City Ambala, District Ambala.



CRM-M-10837-2024 (O&M)



2024:PHHC:064428



- (2) Above FIR was registered on the basis of complaint made by Rajiv Chandel with the allegations that petitioner, who is a Teacher, sexually assaulted the victim.
- (3) Contends that petitioner was granted interim bail by this Court, vide order dated 05.03.2024 and in pursuance thereof, he has already joined the investigation; thus, his custodial interrogation is not required.
- (4) Learned State Counsel, on instructions from Inspector Sunil Watts, acknowledged the above factual position and submits that as on today, custodial interrogation of the petitioner is not required.
- (5) Heard learned Counsel for the parties and perused the paper-book.
- (6) It is not in dispute that petitioner was granted interim bail by this Court on 05.03.2024 and the order reads as under:-

“Reply filed by way of affidavit dated 04.03.2024 of Ms. Srishti Gupta, IPS, Assistant Superintendent of Police, Ambala, is taken on record. Copy thereof supplied to the other side.

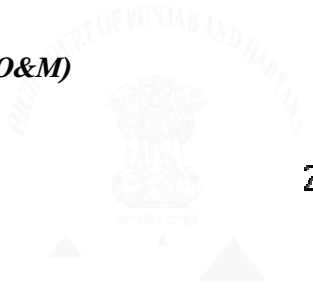
Registry to do the needful.

Para No.4 of the aforesaid affidavit reads as under:-

“That after registration of FIR, the investigation of the case has been carried out by the local police and during investigation, the complainant was requested to produce the minor victim for recording his statement before the Ld. Illaqa Magistrate under Section 164 Cr.PC and before Legal Aid Counsel, and the complainant was requested through telephonic calls and through notice from 16.01.2024 to 25.01.2024 but the complainant produced the minor victim on 25.01.2024



CRM-M-10837-2024 (O&M)



2024:PHHC:064428



and the IO also recorded the statement of minor victim in the presence of Legal Aid Counsel. Thereafter, the IO moved an application before Ld. Magistrate for recording his statement u/s 164 Cr.PC of the minor victim but the statement of minor victim was not recorded on that day, however, on 27.01.2024, the statement of minor victim u/s 164 Cr.PC has been recorded by the Ld. Magistrate. Thereafter, the IO collected the copy of statement of minor victim u/s 164 Cr.PC and on examination of statement it has been found that the minor victim has stated that accused-petitioner has committed the sexual assault with him on 13.01.2024 but the accused petitioner has felt sorry in the present of college staff, hence, taking into consideration of his future, he does not want to take any action against the accused. The copy of statement of minor victim is annexed as Annexure R-1. The statement of complainant is also got recorded under Section 164 Cr.PC before the Ld. Illaqa Magistrate, Ambala and he has also stated on the same lines of his son/minor victim.”

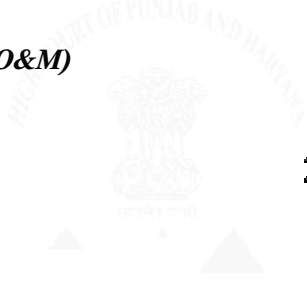
In view of the above extract, it is apparently clear that neither the victim; nor his father is inclined to pursue the matter against the petitioner any further, but learned State counsel seeks more time to have further instructions from the quarter concerned.

Posted on 08.05.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions



CRM-M-10837-2024 (O&M)



2024:PHHC:064428



as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

- (7) It is acknowledged by learned State Counsel on instructions from Inspector Sunil Watts that in pursuance of the aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (8) In view of the above, present petition is allowed; interim order dated 05.03.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (9) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (10) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (11) It is clarified that in case there is recurrence on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Pending application(s), if any, shall also stand disposed off.

8th May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>