

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

**Criminal Misc. No. M-15930 of 2015
Date of Decision: 17.9.2015**

Pardeep

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. M.K.Sangwan, DAG, Haryana.

Mr. R.K.Saini, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 13 dated 15.1.2015 under Sections 354/34/506/452 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Assandh, District Karnal.

Learned counsel for the petitioner submits that complainant is in the habit of levelling such kind of allegations. Earlier also, complainant got registered FIR No. 164 dated 14.3.2014 alleging the same offence against one Manohar son of Mehboob Ali, but the allegations were found false and accused in the abovesaid FIR was acquitted by the learned court of competent jurisdiction vide

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judgment of acquittal dated 7.10.2014. He concluded by submitting that there was no occasion for the petitioner to indulge in the activity alleged against him. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions SI Rajinder Kumar, as well as learned counsel for the complainant oppose the present petition contending that since allegations against the petitioner are direct and serious, he is not entitled for the bail pending trial, at this stage. They also submit that since next date of hearing before the learned trial court is 23.9.2015, conclusion of trial will not take much time. They pray dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for the concession of bail pending trial. It is so said, because abovesaid FIR No. 164 dated 14.3.2014, lodged at the hands of the same complainant and acquittal of the accused therein, is the matter of record. In such a situation, it will be a debatable issue before the learned trial court whether the complainant is habitual of levelling such kind of allegations and also whether the petitioner, as a matter of fact, was involved in commission of the offence alleged against him. Further, since only one prosecution witness has been examined so far, conclusion of trial will take some time.

In view of the above and without commenting anything

further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

17.9.2015
AK Sharma