

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-20908 of 2015

Date of Decision: 7.7.2015

Surja

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. H.N.Sahu, Advocate
for the petitioner(s).

Mr. Rajiv Doon, Assistant Advocate Haryana
for the respondent.

Darshan Singh, J.

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for grant of regular bail to petitioner-Surja in case FIR No. 117 dated 16.5.2015, registered under Sections 10 & 12 of the Prevention of Children from Sexual Offences Act, 2012 (hereinafter referred to as "the Act") and Sections 354, 354-A & 294 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Israna, Panipat.

2. Learned counsel for the petitioner contended that the only allegation against the petitioner is that he had caught hold the hand of the prosecutrix with intention to insult her. He further contended that Section 10 of the Act is not attracted in this case. The petitioner is in custody since 16.5.2015. The investigation of the case is already complete and the challan has already been filed.

3. On the other hand, learned State counsel pleaded that the

petitioner has outraged the modesty of a minor girl so he does not deserve the concession of bail.

4. I have duly considered the aforesaid contentions.

5. The applicability of Section 10 of the Act is quite debatable and is to be adjudicated upon at the appropriate stage.

6. At this stage, it is suffice to mention that the investigation in this case is already complete. The petitioner has already been remanded to judicial custody, meaning thereby he is no longer required for the purpose of investigation. He is in custody since 16.5.2015. His further detention is not required for any purpose.

7. Thus, without commenting upon the merits of the case, the present petition is hereby allowed. The petitioner, namely Surja is ordered to be released on bail on his furnishing requisite bail bonds & surety bonds to the satisfaction of the Chief Judicial Magistrate, Panipat.

(Darshan Singh)
Judge

July 7, 2015

“DK”