

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

**CRM No. M-22454 of 2015
Date of decision : 29.07.2015**

Joginder

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.D.S.Mann, Advocate
for the petitioner.

Mr. R.S.Doon, AAG, Haryana.

DARSHAN SINGH,J(Oral)

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-Joginder 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 only the allegation against the present petitioner is that he put his hand on the chest of the prosecutrix. He further contended that Section 10 of the 'Act' is not attracted. The petitioner is in custody for the last more than two

months and thirteen days. 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 for the last more than two months and thirteen days. 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 Joginder is ordered to be released on bail on his furnishing requisite bail bonds & surety bonds to the satisfaction of the Chief Judicial Magistrate, Panipat.

29.07.2015

s.khan

**(DARSHAN SINGH)
JUDGE**