

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-43878 of 2014

.....

Date of decision:23.2.2015

Chander Sen

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Deepak Grewal, Deputy Advocate General, Haryana
for the respondent-State.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.115 dated 11.9.2014 registered for the offences under Sections 354-A, 306 and 511 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'the POCSO Act') at Police Station Nuh, District Mewat.

Notice of motion has been issued in this case.

Mr. Deepak Grewal, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned

Deputy Advocate General, Haryana appearing for the respondent-State and

have gone through the record.

From the record, I find that the offence under Section 354-A IPC is bailable offence though the same offence punishable under Section 8 of the POCSO Act is non-bailable. The other offence under Section 306 read with Section 511 IPC, means attempt to abetment to suicide. The prosecutrix has not committed suicide nor there is anything to show that she has tried to commit the suicide. The prosecutrix is alive, therefore, there is no such offence which can be held as attempt to abetment to commit suicide.

At the time of arguments, it has been brought to my notice that challan against co-accused has been presented in the Court. The prosecutrix as well as all the main private witnesses have turned hostile and, therefore, the co-accused have not supported the prosecution version and they have been acquitted.

Keeping in view the facts and circumstances of the present case, I find that no useful purpose will be served by sending the petitioner to custody.

Therefore, finding merit in this petition, the same is accepted. The petitioner shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

February 23, 2015.

(Inderjit Singh)
Judge

hsp