

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-11180 of 2016

DATE OF DECISION: 06.04.2016

Sandeep Nayak

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. K.S. Sidhu, Advocate
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

Mr. Shashikant Gupta, Advocate
for the complainant

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 420 dated 5.6.2015 registered under Section 354-A/354-D/457/506 IPC and Section 12 of Protection of Children from Sexual Offences Act at Police Station City Sirsa, District Sirsa.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, no such incident has ever occurred. The petitioner was having love affair with the daughter of the complainant but it was not liked by the complainant. Learned counsel further contends that all the material witnesses including the victim have been examined and there is no apprehension that the petitioner may

influence the witnesses. The petitioner is in custody since 14.6.2015 and no purpose would be served in case he is kept behind the bars. Learned counsel also submits that the petitioner is ready to abide by any of the term and conditions to be imposed by this Court or by the trial Court and also undertake not to harass the complainant party.

Learned counsel for the respondent-State has not disputed the custody period as well as examination of material witnesses but has brought to the notice of this Court that one more FIR is also registered against the petitioner under Section 323 IPC.

Learned counsel for the complainant opposes grant of bail to the petitioner and submits that due to conduct of the petitioner, the victim has to left her studies. He further submits that the father of the victim was also given threat by the family members of the petitioner.

Heard the arguments advanced by learned counsel for the parties and have also gone through the other documents available on the file.

The Admittedly, the FIR was registered under Section 354-A/354-D/457/506 IPC and Section 12 of the Protection of Children from Sexual Offences Act. The complainant as well as the victim have already been examined and only formal witnesses are yet to be examined. The victim was more than 18 years of age and there is no possibility that the petitioner may influence the witnesses as all the material witnesses have been examined. Moreover, the petitioner has given an undertaking not to influence the remaining witnesses and not to give any threat to the complainant party as well as to abide by all the terms and conditions to be imposed by this Court or by the trial Court. The petitioner is in custody since 14.6.2015 and no useful purpose would be served in case he is kept behind the bars as trial may take some time to conclude.

Accordingly, the present petition is allowed and petitioner-Sandeep Nayak is directed to be released on regular bail by the trial Court on his furnishing bail/surety bonds to its satisfaction.

However, it is made clear that in case any threat is given to the complainant party, they are at liberty to make complaint to the police or to move an application for cancellation of bail.

April 06, 2016
pooja

(DAYA CHAUDHARY)
JUDGE