

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

**Crl. Misc. No.M-32125 of 2016
Date of decision : 15.09.2016**

Kuldeep @ Kalu

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. N.S. Shekhawat, Advocate
for the petitioner.

Mr. Sanjay Kr. Saini, DAG, Haryana.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No.47 dated 17.06.2016, registered under Sections 354-A(1), 506 IPC and Section 12 of the POCSO Act, Women Police Station Bhiwani, District Bhiwani.

Counsel for the petitioner at the outset states that inadvertently anticipatory bail had been mentioned in the heading of the petition whereas it is a petition for regular bail.

Counsel for the petitioner contends that the petitioner is in custody since 18.06.2016 and investigation is over and challan has been presented and charge has been framed and the case is fixed for prosecution evidence. It was urged that the incident is said to have taken place in a Gurudwara where religious function was going on and it is not possible that

such an occurrence could have taken place as the devotees are always present in the central hall and the priest (Granthi) is also present and the langer was going on. It was urged that the case had been registered because of the FIR registered in March, 2015 and in that incident the father of the petitioner had been murdered and 7 people were challaned and some additional accused were being summoned and there was pressure upon them. Counsel also urges that statements of both the alleged victims have been recorded.

Challan has been presented under Section 354-A(1) IPC and Section 12 of the POCSO Act. The allegations are that the victim had gone to the Gurudwara to attend the Chola ceremony of Nishan Sahib and the public had left at 12:00 noon and they were cleaning utensils in the Gurudwara and when the complainant entered the Gurudwara to get the utensils, the accused caught hold her and tried to outrage her modesty and removed her clothes.

The statements of the victims have been recorded. The trial will take long time to conclude. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

15.09.2016
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No