

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33548 of 2016
Date of Decision: 28.11.2016

Sandeep @ Dimpy

.....Petitioner

Vs.

State of Haryana

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vijay Saini, Advocate, for the petitioner.

Mr.D.R.Singla, DAG, Haryana.

Ms.Amandeep Kaur, Advocate, for
Mr.Sandeep Gahlawat, Advocate, for the complainant.

RITU BAHRI, J. (ORAL)

The prayer in the instant petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.360 dated 29.07.2016 for the offence under Sections 452, 506, 34 IPC and Section 8 of POCSO Act, 2012, registered at Police Station Safidon, Distt. Jind.

Petitioner is in custody since 30.07.2016. As per allegations in the FIR, petitioner and six others friends came in white Scorpio and after alighting forcibly entered to the house of complainant. Petitioner was carrying a pistol in his hand and forcibly entered to the complainant's room. Petitioner handed over the pistol to one another boy and said that today he will finish you after celebrating her birthday and started doing obscene acts with her and all started behaving badly. On her screaming the family members who were watching television and many other people were gathered there. The petitioner and his friends after taking out a cake and

candles from the vehicle, started teasing the family member of complainant. On seeing a number of huge people gathering over there, they ran away from the spot in their vehicle.

After investigation, challan has been presented in the Court for trial on 14.09.2016 and as per reply filed by DSP, Safidon, District Jind dated 15.11.2016, mobile phone in question was broken into pieces and thrown in the canal in view of the decision taken in the meeting of respectable persons of the village. Moreover, the petitioner further disclosed that there was no fire arm in possession of him and this fact was duly verified by the the then Deputy Superintendent of Police, Safidon vide Jimni No.2-A dated 30.07.2016.

Learned counsel for the State submits that there is no evidence with regard to chip of the mobile phone containing the alleged obscene photographs in possession of the Investigating Officer to substantiate the allegation made in the FIR against the petitioner.

Keeping in view the above, petitioner be released on regular bail on furnishing his fresh bail bonds/sureties to the satisfaction of Duty Magistrate/Illaqa Magistrate, Jind.

(RITU BAHRI)
JUDGE

28.11.2016
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No