

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

Sr. No.294

CRM No.M-42174 of 2016

DECIDED ON: November 29, 2016

AMIT

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Mr. Tanuj Sharma, AAG, Haryana.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition preferred under Section 439 Cr.P.C. petitioner has sought the concession of bail in case FIR No.479, dated 05.08.2016, under Sections 377 & 506 IPC and Section 4 of the Protection of the Children from Sexual Offences Act, 2012, registered at Police Station Sadar Bhiwani, District Bhiwani.

Allegations against the petitioner are that on 01.08.2016 at about 3.30 p.m., he took away Sandeep son of the complainant to an outhouse (Nohra) on the pretext of untying the buffalo and thereafter he was subjected to seduction.

Undisputably, the victim kept mum continuously for a period of 4 days. On 05.08.2016, he disclosed the aforesaid misconduct of the petitioner to his mother, who, in turn, told the same to father of the victim. It was only thereafter, the case was registered and investigation was set into motion.

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It is an admitted fact that final report under Section 173(2) Cr.P.C. has already been presented, which is pending trial. Though the victim has already been examined as one of the prosecution witnesses but still his parents are staying away from the Court and despite service they have not opted to appear for examination as prosecution witnesses.

Similarly, the copy of MLR in respect of the victim also does not depict any material sign of the commission of offence as well as there was no bleeding present. There were also no external injuries seen around the anus. Otherwise also, the petitioner was arrested in this case on 06.08.2016 and he was subjected to custodial interrogation which is suggestive of the fact that he is no more required for further interrogation. The conclusion of the trial would take sufficient long time.

Taking into consideration the aforesaid aspects and without expressing any opinion on the merits of the case, instant petition stands allowed. Petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

November 29, 2016

Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No