

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42522-2015 (O&M)

Date of Decision: February 8, 2016

Inderjeet @ Kamal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Diwan S. Adlakha, Advocate, for
Mr. Vikas Lochab, Advocate,
for the petitioner.

Mr. Pawan Gaur, DAG, Haryana.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

CRM-3942-2016

Prayer in this application filed under Section 482, Cr.P.C., is for placing on record the charge-sheet (Annexure P-3).

After hearing learned counsel for the applicant, the charge-sheet (Annexure P-3) is taken on record, subject to all just exceptions.

Criminal miscellaneous application is disposed of.

CRM-M-42522-2015

Prayer in this petition filed under Section 439, Cr.P.C., is for grant of bail to the petitioner, Inderjeet @ Kamal, who has been booked for having committed the offences punishable under Sections 323, 326-B, 354-A and 506, IPC, and Section 8 of Protection of Children from Sexual Offences Act, 2012 (for brevity 'POCSO Act'), in a case arising out of FIR No. 341, dated 16.08.2015, registered at Police Station SGM Nagar, Faridabad.

At the very outset, learned proxy counsel for the petitioner contends that after presentation of the report under Section 173, Cr.P.C., the charge for the offences punishable under Sections 323, 354-A and 506, IPC, and Section 8 of POCSO Act, were framed by learned Trial Court on 02.12.2015, vide Annexure P-3. He further contends that the maximum sentence which could be awarded under Section 8 of POCSO Act, is five years. The petitioner has already suffered incarceration for approximately five months. He is neither involved nor required in any other case involving the sexual offences. He further contends that the earlier petition filed by the petitioner was withdrawn at that stage vide order, dated 07.12.2015.

Learned counsel for the State has not controverted the factual aspects raised by learned counsel for the petitioner, however, he submits that the trial is proceeding at a fast speed,

therefore, the petitioner might not be released on bail.

After hearing learned counsel for the parties, this Court finds that the prosecutrix has already been examined in the Court. The petitioner has suffered incarceration for approximately five months. The earlier petition was dismissed as withdrawn.

In view of the peculiar circumstances of the case, the present petition is allowed. The petitioner, Inderjeet @ Kamal, son of Chatar Sain, resident of H.No. FCA-379, Gali No. 4, Block-C, S.G.M. Nagar, Faridabad, District Faridabad, is ordered to be released on bail during pendency of the trial, subject to his furnishing bail bonds to the satisfaction of learned Trial Court.

(NARESH KUMAR SANGHI)
JUDGE

February 8, 2016
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