

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

CRM-M-35610-2017

Date of decision: 31.10.2017

Krishan Dev ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-35653-2017

Raja @ Sidharth Mehra ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.AS Manaise, Advocate for the petitioners

Mrs. Anju Arora, AAG, Haryana
assisted by ASI Harpreet Singh

JITENDRA CHAUHAN, J.

This judgment shall dispose of the abovementioned petitions filed under Section 439 Cr.P.C. for grant of bail to the petitioners in case FIR No.103 dated 20.8.2017 registered under Section 354-B read with Section 34 IPC and Section 8 of POCSO Act at Police Station Sujanpur, District Pathankot.

It is contended that the FIR is the result of the civil litigation pending between the grandmother of the petitioners and the uncle of the prosecutrix. The occurrence took place on 11.8.2017, whereas the FIR was registered after a delay of nine days i.e. on 20.8.2017. The petitioners and the prosecutrix are the residents of the same village. The petitioners are in custody since 20.8.2017 and are not involved in any other case. Nothing is to be recovered from the petitioners.

On the other hand, learned State counsel opposes the prayer of the petitioners and submits that the prosecutrix is a young girl of 14 years, who was teased and even her clothes were torn up by the petitioners. The challan is yet to be presented.

I have heard the learned counsel for the parties.

Custody certificates of the petitioners filed by learned State counsel are taken on record.

Considering the fact that the petitioners and the prosecutrix are the residents of the same village; nothing is to be recovered from the petitioners, who are in custody since 20.8.2017; challan is yet to be presented, without commenting on the merits of the case, the present petition is allowed. The petitioners be admitted to bail during the pendency of the trial on their furnishing bail/ surety bonds to the satisfaction of the learned Duty Magistrate/trial Court.

Copy of this order be placed on the file of the connected case.

31.10.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No