

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

**217**

**CRM-M-40276-2017  
DATE OF DECISION:21.11.2017**

**VIKAS**

**... Petitioner(s)**

***Versus***

**STATE OF HARYANA**

**... Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Punit Malik, Advocate  
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Pawan Gautam, complainant in person.

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**ANUPINDER SINGH GREWAL, J. (ORAL)**

The petitioner is seeking regular bail in FIR No. 336, dated 07.07.2017, under Sections 377, 506 IPC and Section 4 POCSO Act, registered at Police Station Kharkhoda, District Sonipat.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he had committed unnatural act with the nephew of the complainant, who was studying in Class VII. The petitioner was a student of Class 11<sup>th</sup> and about 18 years old at the time of the incident. Learned counsel further contends that as per the MLR, copy of which has been appended as Annexure P-2, there is no evidence of the unnatural act and even the FSL report does not support the allegations in the FIR. He also contends that the matter has been compromised. A copy of the compromise deed dated 27.07.2017 is at Annexure P-3, wherein it is stated that FIR was registered due to misunderstanding as the victim did not want to live in the school hostel and just to get out of

the hostel, he had leveled false allegations against the petitioner. The child later revealed the truth to the mother and both the parties have settled the matter. He is in custody since 10.07.2017

Mr. Pawan Gautam-complainant, who is present in person, states that matter has been compromised and FIR had been lodged on the basis of misunderstanding.

Learned State counsel has filed the status report by way of affidavit of Adarshdeep Singh, HPS, DSP, Kharkhoda, Sonipat, which is taken on record. Learned State counsel, upon instructions from ASI Vijender, states that investigation has been completed and challan has been presented. The matter is now fixed for recording the prosecution evidence before the trial Court on 05.01.2018.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the petitioner is 18 year old student, I deem it appropriate to grant him the concession of regular bail.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner, namely, Vikas is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate.

**21.11.2017***SwarnjitS***(ANUPINDER SINGH GREWAL)  
JUDGE**

|                             |          |
|-----------------------------|----------|
| Whether speaking/reasoned : | Yes / No |
| Whether reportable :        | Yes / No |