

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

CRL. MISC. No.M-41238 OF 2017
DATE OF DECISION : 20th DECEMBER, 2017

Himanshu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Bikram Chaudhary, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this second petition under Section 439 Cr.P.C. seeking regular bail in FIR No.20 dated 18.01.2017 registered under Section 4 (wrongly mentioned Section 6) of the Protection of Children from Sexual Offence Act and Sections 120B & 506 IPC at Police Station S.G.M.Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad.

Heard learned counsel for the rival parties.

Learned counsel for the petitioner at the outset submit that there is some typographic error in the petition in mention the Section in the headnote and prayer clause as well. In the petition Section 6 of POSCO Act has been mentioned, however, in fact the FIR is registered under Section 4 of the POSCO along with other offences.

In that view of the matter, the Registry is directed to carry out the correction accordingly. The Section 6 of POSCO be substituted with Section 4 of the POSCO.

Learned counsel for the petitioner has placed before me the evidence of the complainant, which are taken on record. He has submitted that the complainant in this case has turned hostile and had not supported the prosecution case. He further submits that the complainant has refused to identify the accused in the Court.

Be that as it may. Since the evidence of the prosecution has been seen by me, the petitioner would be entitled to grant of bail. However, the petitioner to file undertaking not to indulge in such types of offences again and submit a copy thereof before the trial Court and the police station concerned.

In the result, I make the following order:

ORDER

- (i) CRL. MISC. No.M-41238 OF 2017 is allowed.
- (ii) The petitioner be released on bail to the satisfaction of the concerned CJM/Duty Magistrate, subject to cost amount of ₹500/- to be deposited with the Haryana State Legal Services Authority.
- (iii) The petitioner shall furnish undertaking on affidavit before the trial Court along with copy to the police station concerned, within a period of two weeks from the actual date of his release, that he will not indulge in such type of offence in future.

- (iv) The petitioner shall not tamper, influence and threaten the prosecution witnesses.
- (v) The petitioner to surrender his passport with the trial Court, if he possesses the same.
- (vi) In case of violation of any of the condition on the part of the petitioner, the liberty is reserved in favour of the State to apply for cancellation of bail.

20TH DECEMBER, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>