

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

CRM-M-16111-2018

Date of decision: -2.8.2018

Ashok @ Shoki

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Shokeen Singh Verma, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Ashok @ Shoki, an accused in FIR No.110 dated 24.3.2018 under Sections 354/506 IPC and 8 of POCSO Act, registered at Police Station City, Charkhi Dadri, District Charkhi Dadri.

Briefly stated, the facts of the case as per prosecution version are that on 24.3.2018 at about 1:00 p.m. when the complainant victim aged about 14 years, a student of 7th class was going through the street so as to reach the house of her uncle, then Ashok @ Shoki (present petitioner) came and started doing indecent acts with the complainant/victim asking whether she would do immoral acts with him; that the complainant/victim refused; that accused continued doing indecent acts with complainant/victim and he threatened her that in case she disclosed

such acts to anybody, then he would kill her brother; that the complainant/victim started weeping, got her hand freed and then went to the house of her uncle Satbir; that her uncle was not at house, as such, she returned her house and when her father came to the house in the evening, she narrated the entire incident to him and thereafter accompanied by her father had gone to police station, where her statement was recorded, which formed basis for registration of the FIR.

After recording of the FIR, the matter was investigated. Accused was arrested in this case on 25.3.2018 and now he is behind bars. He had moved an application for regular bail but the same was declined by Additional Sessions Judge, Charkhi Dadri vide order dated 5.4.2018, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The petitioner/accused is in custody since 25.3.2018. He is facing trial in the Court of learned Additional Sessions Judge, Charkhi Dadri. As per the certified copy of statements placed on record, the complainant/victim and her father Sanjay have not supported the prosecution story during the trial. The conclusion of the trial is likely to take some time. The guilt of the accused shall be determined during the trial.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Charkhi Dadri, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

This petition stands allowed accordingly.

2.8.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No