

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 18562 of 2018 (O&M)

Date of decision : 8.8.2018

Rahul

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Animesh Sharma, Advocate for the petitioner

Mr. Gaurav Bansal, AAG, Haryana.

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H. S. Madaan, J.

This petition for grant of regular bail has been filed by petitioner – Rahul an accused in FIR No. 0019 dated 18.1.2018, for an offence under Section 506 IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012 (Sections 201, 384 IPC added later on and Section 10 of POCSO Act, deleted and section 12 of POCSO Act, added later on), registered at Police Station Matlauda, District Panipat.

Briefly stated, facts of the case as per the prosecution story are that complainant Subhash s/o Ram Chander r/o village Dharamgarh, District Panipat, submitted a written complaint addressed to the SHO, Matlauda, District Panipat, stating therein that his daughter (name withheld) is aged about 14 years; that for the last about 6 months his neighbour namely, Rahul s/o Ramdass had been clicking obscene photographs of her said daughter and blackmailing

her, threatening to kill her if she disclose the same to anybody, he further threatened to circulate her obscene photographs on social media, besides giving her allurements of marriage; that the victim got mentally disturbed and tried to commit suicide. Inter alia in the complaint it is submitted that when the complainant side tried to talk with mother of the accused, then they were abused, as such necessary action be taken in the matter.

On the basis of that complaint, formal FIR was registered. Accused was arrested in this case on 19.1.2018. After completion of investigation and other formalities, challan against the accused was prepared and filed in the Court and the trial against the accused is going on.

Earlier the accused had moved an application for grant of regular bail before the Court of Sessions, which was assigned to Additional Sessions Judge, Panipat, However, it was dismissed vide order dated 11.4.2018, as such he has approached this Court seeking similar relief.

The request is being opposed by the learned State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

The accused is behind the bars since 19.1.2018 i.e. for the last about seven months. The trial against him is going on. His guilt shall be determined during the trial. Statement of the prosecutrix is stated to have been recorded. The conclusion of the trial is likely to take some time, as such it shall be in the fitness of things, if the

petition is allowed and the petitioner is ordered to be released on regular bail.

Therefore, the petition is allowed and the petitioner is directed to be released on bail on furnishing of surety bonds and personal bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panipat, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- iii) that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to this 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, this order shall be liable to be withdrawn.

8.8.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No