

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 26623 of 2018 O&M)

Date of decision : 11.10.2018

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Ajay

.....Petitioner

vs.

State of Haryana

.....Respondent

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

Present: Mr. Shilak Ram Hooda, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Ajay, an accused in FIR No. 19, dated 13.5.2018, for offences under Sections 34 and 506 IPC and Section 8 of the Protection of Children from Sexual Offence Act, 2012, registered at Women Police Station, Panchkula.

Briefly stated, facts of the case as per the prosecution story are that on 13.5.2018, at about 6.00 P.M. when complainant Savita w/o Mukesh r/o House No. 180, Beer Ghagar, Gate No.2, Chandimandir, returned home from her neighbour's house, then she found her daughter aged about 12 ½ years weeping, who told her that

on the same day in the noon, Ajay r/o House no. 195, and his friend Pitu had outraged her modesty. Earlier also, two three times Ajay had caught hold of her hand and touched her hip and Pitu had chased her several times. The matter was reported to the police and formal FIR was recorded.

The accused was arrested in this case on 13.5.2018. He had moved an application for regular bail to the Court of Sessions, which was assigned to the Court of Additional Sessions Judge, Panchkula, who vide order dated 6.6.2018, dismissed the same, as such he has approached this Court, by way of filing the present petition praying for similar relief, which is being opposed by learned State counsel.

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

As per the report sent by the trial Court, statement of the prosecutrix and her mother – complainant have since been recorded. As such the apprehension of the petitioner, trying to threaten or influence the material prosecution witnesses is not there. The conclusion of the trial is likely to take some time. Further detention of the accused shall not serve any purpose.

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, Panchkula, 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 or he is found to be involved in any other criminal activity after being released on bail, this order shall be liable to be withdrawn.

11.10.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No