

CRM-M-26861-2018 &
CRM-M-26940-2018

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

(1) **CRM-M-26861-2018**

Gurpreet and another

...Petitioners

Versus

State of Haryana

...Respondent

(2) **CRM-M-26940-2018**

Gagandeep

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision:-21.8.2018

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

Present: Mr. Amit Chaudhary, Advocate
for the petitioners.

Ms.Aditi Girdhar, AAG, Haryana.

H.S. MADAAN, J.

By this order, I intend to dispose of two petitions i.e. **CRM-M-26861-2018** filed by petitioners Gurpreet son of Balor Singh and Gurpreet son of Chhota Singh and **CRM-M-26940-2018** filed by petitioner Gagandeep, who are accused in FIR No.44 dated 30.3.2018, under Sections 506, 34 IPC and Section 8 of Protection of Children from Sexual Offences Act, registered at Women Police Station, Fatehabad for grant of regular bail.

Briefly stated, facts of the case as per prosecution version are

that complainant Jagtar Singh son of Kaur Singh, resident of village Mirana submitted a written complaint addressed to SHO, Women Police Station, Fatehabad, wherein he stated that his daughter (daughter name not being mentioned to conceal her identity and referred to as '*the victim*'), aged about 14 years was student of 10th class at Government School, Baliyala; that she along with two other girls namely Pooja Rani and Seema Rani used to go to school on foot; that on 30.3.2018, his said daughter had gone to school for attending extra class; that while she was returning home at about 1:00 p.m., three boys on a motorcycle came near her; that the motorcycle was being driven by Gagandeep having two other riders; that they asked his daughter - the victim to sit on the motorcycle, so that they could drop her at her house but his daughter refused, then they asked her to give her mobile number; that they made obscene gestures and used filthy language besides threatening to kill her; that when her daughter raised noise, they went away. According to the complainant, his daughter had narrated the entire incident to him giving the names of culprits as Gagandeep son of Balbir Singh, Gurpreet Singh son of Chhota Singh, residents of Baliyala and third person being Gurpreet Singh, resident of Kahangarh, who had been teasing her for last 6-7 days on her way to school.

On the basis of such statement of the complainant, formal FIR was registered. All the petitioners were arrested on 30.3.2018. They had moved applications for regular bail in the Court of Sessions, however, the same were dismissed by learned Additional Sessions Judge, Fatehabad, as such they have approached this Court by way of filing these

petitions asking for the similar relief, notice of which has been issued to the respondent – State, which put in appearance through counsel.

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

As per the State counsel, out of 17 prosecution witnesses cited, the prosecution has given up three PWs and examined two PWs. In that way, the conclusion of trial is likely to take some time. All the petitioners are of young age and stated to be students. There is nothing on record to show that they have got past criminal record or are hardened criminals. They are behind bars for the last more than three months. Their guilt shall be determined during the trial. Further detention of the petitioners shall not serve any useful purpose.

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

Accordingly, the petitions are allowed. The petitioners are ordered to be released on bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Fatehabad, on following conditions:

- (i) that they shall appear in the Court on each and every date of hearing;
- (ii) that they shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) that they 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 petitioners do not abscond and interfere in the trial.

The petitioners-accused are also directed to surrender their passports if they have got ones otherwise to furnish affidavits in that regard. In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

The petitions stand allowed accordingly.

21.8.2018
Brij

(H.S. MADAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No