

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

CRM-M-30325-2018

Date of decision:-19.9.2018

Sanjay alias Machhi

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Rajesh Bansal, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Sanjay alias Machhi– an accused in FIR No.459 dated 17.5.2018, under Sections 341, 354-A, 354-D, 506 IPC (Section 8 of POCSO Act added later on), registered with Police Station Chandni Bagh, District Panipat.

Briefly stated, the facts of the case, as per the prosecution story, are that the complainant(name not being mentioned to conceal her identity and referred to as '*the victim*') daughter of Dharamvir, resident of

Shashtri Colony, Panipat, a student of 10th class in R.S. High School, Panipat had lodged the FIR in question by submitting a written complaint to Incharge, Police Post Kishanpura, Panipat. *Inter alia* in the complaint, she submitted that when she used to go to school then accused Sanjay alias Machhi son of Shobh Raj, resident of their locality used to follow her and passed obscene remarks; that on 15.5.2018 while she was going in the street then Sanjay alias Machhi intercepted her catching hold of her hand and indulged in teasing her, threatening her that if she disclosed the incident to anyone, then he would kill her.

Accused was arrested in this case on 17.5.2018. After completion of investigation, he has been challaned and now the case is pending trial. He had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Panipat vide order dated 3.7.2018, as such, he has approached this Court with the 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.

After hearing the rival contentions of learned counsel for the parties, I find that the incidents of child abuse and molestation of young girls are increasing day by day. It is not safe for the womenfolk to venture out of their houses even. A serious law and order problem in that regard is fast emerging. In case precautionary measures are not taken at the initial stage, the things may get out of hand and would be very difficult to

control. The persons harassing molesting and sexually abusing young girls need to be dealt with an iron hand and no leniency can be shown to them.

The petitioner has indulged in teasing a minor girl of his own locality catching hold of her hand with intent to outrage her modesty and gave beatings to her. He also threatened to kill her brothers. The trial against the petitioner is going on. The statement of victim/prosecutrix is yet to be recorded. The guilt of the accused shall be determined during the trial. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even trying to induce the prosecution witnesses, especially the prosecutrix and her family members, cannot be brushed aside lightly.

Therefore, finding no merit in the petition, the same stands dismissed.

19.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No