

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

Crl. Misc. M 33083 of 2018 (O&M)

Date of Decision: 4.9.2018

Anoop

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Mukesh Yadav, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Gurshamshir Singh, Advocate,
for the complainant.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No. 17 dated 14.2.2018 registered under Section 6 of the Protection of Children from Sexual Assault Act, 2012.

The facts in brief are that the victim, who is 13 years old, studying in 8th class in the Government High School, Tigra was harassed and misbehaved in isolation during the period October—November, 2017 by Anoop—petitioner, who was working as a Lab Attendant in the same school. Fed up with the repeated harassment at the hands of the petitioner, on 12.2.2018, the victim told everything to her parents, who went to the School on 13.2.2018, where the Headmaster Ram Avtar told them that the petitioner has been transferred and they are at liberty to take action against

him. Thereafter, the victim along with his parents went to police station for lodging a complaint for taking against the petitioner.

Learned counsel for the petitioner submits that initially the FIR was registered under Section 10 of the Protection of Children from Sexual Assault Act, 2012 and later on the basis of the statement registered under Section 164 of the Code of Criminal Procedure, Section 10 has been deleted and it has been replaced by Section 6 of the Act. It is submitted that in the first version the victim did not allege any penetrative sexual harassment and, as such, the very basis of the FIR is doubtful. Therefore, the petitioner is entitled to the concession of bail.

Per contra, learned counsel for the respondent—State as well as the complainant, vehemently opposes the prayer for bail on the ground that the petitioner taking advantage of the age of the victim attempted to commit penetrative sexual assault upon her, as is clear from the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. It is further submitted that the victim has no grudges against the petitioner to falsely depose against him. It is also submitted that the victim suffered trauma by the sexual act of the petitioner and as such he does not deserves the concession of bail.

I have heard learned counsel for the parties as well as gone statement of the minor victim, which has been placed on record by the learned counsel for the complainant.

During the course of trial the victim was examined. A perusal of the statement would show that the victim has fully supported the prosecution version. It is not the case of the petitioner that the FIR has been

lodged against him as either the complainant or his parents were nursing any grudge against him or there was any prior dispute between them. After the alleged incident the victim was in trauma.

Therefore, keeping the gravity of the offence, this Court is not inclined the grant concession of regular bail.

Dismissed.

4.9.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No