

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

CRM-M-38357-2018

Date of decision:- 4.10.2018

Daya Chand

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mrs.Baljit Mann, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition has been filed for the grant of regular bail to the petitioner – Daya Chand, an accused in FIR No.100 dated 17.10.2017 under Sections 354-A IPC and Section 8 of The Protection of Children from Sexual Offences Act, 2012, registered with Police Station Women Police Station, District Palwal.

Briefly stated, the facts of the case as per the prosecution story are that the FIR in this case was lodged by complainant (name of complainant not being mentioned to conceal her identity and referred to as '*the victim*') daughter of Brijpal, resident of Bhiduki, Police Station Hassanpur, District Palwal against Daya Chand, Principal of Net Bal

Vikash Public School, Bhiduki. In her statement to the police, the complainant – victim aged about 15 years got recorded that she is a student of 10th class in Net Bal Vikash Public School, Bhiduki; that the girl sitting adjacent to her in the classroom was getting her copy checked; that Daya Chand (petitioner) was checking the copy and he placed his hand on her hand repeatedly and rubbed the same; that she brushed aside his hand and asked him as to what he was doing; that Daya Chand did not utter anything and left; that he had stated that if any student wanted to get the copy checked, he/she could get the same checked in his office. According to the complainant on completing her work and for getting the copy checked, she went to the office of the school, where Daya Chand told her that he found her to be very cute and he could quarrel with anyone but did not feel like beating her; that then on 23.9.2017 at the time of Physical Examination Paper, Daya Chand called the complainant to his office 2-3 times and asked her whether her fees had been deposited; that as a matter of fact, he had said the same thing to her repeatedly; that then Daya Chand stated that if the fee has been paid, then the complainant should place her hand in his hand and at that time nobody was present in the office. According to the complainant on 9.10.2017, she was told to get her copy checked; that her friend Ritu was with her; that Daya Chand told Ritu as to why she was not making the complainant understand, to which Ritu had given reply; that then the complainant and Ritu returned from the office; that on 9.10.2017, she narrated the entire incident to her mother, who informed her father and then a complaint was submitted to SDM, Hodal; the complainant accompanied by her father had gone to Women

Police Station, Palwal to lodge the report. It was so done. Formal FIR was recorded.

The accused was arrested on 16.7.2018. After completion of investigation, challan has been filed against him in the Court and he is facing the trial. He had moved an application for regular bail in Court of Sessions at Palwal but was unsuccessful as the same was dismissed vide order dated 23.8.2018 passed by learned Additional Sessions Judge, Palwal, as such, he has approached this Court for grant of the similar relief.

Notice of the petition was given to the State and State counsel has put in appearance.

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

The accused is in custody since 16.7.2018. The statement of the victim is said to have been recorded. The trial is going on and its conclusion is likely to take some time, therefore, it shall be in the fitness of things, if regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Palwal, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and

(iii) he shall not leave India without 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 that 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, the prosecution would be entitled to apply for cancellation of bail.

It is clarified here that nothing discussed above be taken as any opinion on the merits of the case.

4.10.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No