

CRM-M-50377-2018

Date of Decision : 21.11.2018

Ombir

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. K.S. Malik, Advocate
for the petitioner.Mr. Munish Sharma, AAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

The allegations, against petitioner-Ombir in this regular bail application under Section 439 Cr.P.C in a case bearing FIR No.403 dated 04.08.2018 filed under Sections 354-A, 506 of the Indian Penal Code and Sections 12 and 18 of the POCSO Act, 2012 registered at Police Station Sadar Rohtak, District Rohtak, Haryana, have been levelled by the mother of the girl, the latter being aged around 16 years. In her complaint, the complainant has alleged that the accused used to tease the girl whenever she went outside the house and often used to offer to marry her to which the girl has flatly refused and on account of the same, the petitioner is alleged to have threatened and abused the minor girl leading to the registration of the present case and arrest of the petitioner on 17.08.2018.

Learned counsel for the petitioner *inter alia* contends that a

bare perusal of the FIR does not bear out commission of any offence and it is on account of enmity, the present case has been foisted on the accused on false and fabricated allegations and that the petitioner is behind the bars for more than three months.

The learned State counsel, assisted by ASI Jaswant Singh, has sought to oppose the grant of bail on the ground that the petitioner is habitual to harassing, teasing and threatening the girl and therefore, if allowed bail, he would influence the witnesses and therefore, prayed that the petitioner is not entitled to any relief.

Appreciating the submissions, admittedly the petitioner is behind bars since more than three months. The *prima facie* allegations are of only threats and proposal of marriage by the petitioner. Thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that no useful purpose would be served by further detaining the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaq Magistrate of the Court concerned.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

21.11.2018
Neha

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No