

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-50610 of 2018 (O&M)
Date of decision : November 22, 2018

Mahesh Kumar

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Peeush Gagneja, Advocate, for the petitioner
Mr. C.L. Pawar, Sr. DAG, Punjab, for the State with
ASI Amrinder Singh, PS Kotwali, Bathinda

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Mahesh Kumar accused in this case bearing FIR No. 167 dated 20.7.2018, under Section 354-A IPC and Section 11 of the Protection of Children from Sexual Offences Act, 2018 (added later on), Police Station Kotwali, Bathinda, as brought to the notice of the Court are that the petitioner who is living in the neighbourhood of complainant Varinder Singh used to make obscene gestures and also sought mobile number of daughter of the complainant who is a student of 10+1 class and when he did not desist from carrying on these activities, the present case was got registered leading to his arrest on 17.10.2018.

Learned counsel for the petitioner has submitted that it is a dispute between the neighbours and a false case has been foisted upon the

petitioner who is behind the bars for almost one month four days.

On behalf of the State, the bail application is sought to be opposed on the grounds that the petitioner is habitual to such illegal acts and even the neighbourhood has vouched for his mischievous conduct and thus, prayed that in view of this, the petitioner is not entitled for any relief.

Going through the submissions of the two sides, the petitioner is behind bars for more than one month. The alleged representation of the residents of the area is subsequent to the registration of the FIR and thus, leaves much to doubt. The investigations and the trial are not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Bathinda.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

November 22, 2018

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No