

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

CRM-M-7554-2018(O&M)

Date of decision:-7.9.2018

Tarun

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Sukesh K. Jindal, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

Mr.Dishant D. Tuteja, Advocate
for the complainant.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Tarun – an accused in FIR No.57 dated 20.9.2017, under Sections
506/120-B IPC and Sections 8 and 10 of POCSO Act, 2012 and Section
75 of Juvenile Justice (Care and Protection of Children) Act, 2015
registered with Police Station Women, Sector 13-17, HUDA, Panipat.

Briefly stated, facts of the case as per prosecution story are

that the victim aged about 9 years daughter of Saurabh Pruthi, resident of Model Town, Panipat has been a student of Class IV in Millennium School, Ansal City, Panipat; that on 20.9.2017 at about 9:30 a.m., Smt.Geetika, the mother of the victim received a telephonic call from a school Teacher, namely, Ms.Ritu Bedi that the victim was weeping and somebody had hurt her on the back and breast; thereafter, the complainant Saurabh Pruthi and his wife Smt.Geetika brought victim from the school to home; the victim was terrorised and under stress; she kept weeping continuously; at about 2:30 p.m., photo of marks of injury on the body of victim was forwarded to the Principal of the school; later on the victim told her father that a person, who was wearing green clothes caught hold of her with a bad intention in the wash room of girls in the school and pressed heavily on the back and breast threatening her that if she told anybody then he would teach her a lesson on the next day. The matter was reported to school Principal, who tried to hush up the same. On a written complaint submitted by complainant Saurabh Pruthi, formal FIR in the matter was recorded. The investigation in the case started. Accused was arrested in this case. He had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge/Special Judge, Panipat vide order dated 6.1.2018, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going

through the record.

On the basis of CCTV footage and affidavits furnished by Karambir and Rameshwar, Sweepers as well as one Naveen, an argument has put forward that the petitioner is innocent and has been falsely involved in this case. It has further been contended that the petitioner was wearing blue dress and not green dress at the time of alleged incident and he was not there in the school premises.

On the other hand, learned State counsel has submitted that the petitioner has committed a heinous crime while being an employee of the school and his release on bail would put several innocent girl childs to the risk of sexual assault and molestation, therefore, regular bail be not granted to him. Learned State counsel has further contended that the accused was identified by the victim.

After hearing the rival contentions of the parties, I find that the allegations against the petitioner are very serious and grave and no ground is made out to grant benefit of regular bail to him, though he is in custody since 21.9.2017. He has sexually abused a minor girl aged about 9 years. He comes out to be sex maniac and if freed from custody, he may ruins the lives of several innocent young girls. He is a risk to the social at large and does not deserve any sympathy. The trial against him is going on, which is likely to be concluded in near future. Therefore, no ground is made out to grant regular bail to the petitioner. Along with the gravity and seriousness of allegations against the petitioner, there is apprehension of his trying to tamper with the prosecution evidence and even to abscond, if granted bail. The trial against the petitioner is likely to be concluded in

near future.

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

While parting with the discussion, the attitude of the Principal and management of the school in question needs to be commented upon. From the allegations in the FIR, it comes out that instead of showing sensitivity to the plight of a young girl student, who had been sexually assaulted and was in state of shock, the Principal tried to hush up the matter pressurizing the complainant not to report the matter to the police and attitude of a school management was very indifferent and casual. Such type of persons need to be dealt with sternly so that the educational institutes are at least safe for the young students studying there.

Under the circumstances, the Superintendent of Police, Panipat is directed to constitute a Special Investigation Team comprising Senior Gazetted Police Officers to conduct probe regarding conduct of Principal of the school and the persons managing the affairs of the school with regard to the present incident and then further necessary action as warranted by the report of the Special Investigation Team be taken at the earliest, under intimation to this Court preferably within a period of three months.

7.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No