

216.

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

CRM-M-1909-2019

Date of Decision:13.02.2019

RAM ASRA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jaideep Verma, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

Mr. Himanshu Chhabra, Advocate,
for the complainant.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.269 dated 22.04.2018 registered under Sections 8 & 10 of POCSO Act at Police Station Focal Point, Police Commissionerate, Ludhiana.

The aforesaid FIR was registered by the complainant-Sakib Paswan on the allegations that on 22.04.2018 at about 11:30 AM, he received an information from Baljit Singh that the petitioner under the influence of intoxication took his daughter in empty three-wheeler parked in the ground of Sabzi Mandi with bad intention on receipt of this information when the complainant went on the spot along with the informer, he found that the petitioner was doing obscene acts with her daughter. The petitioner

fled away from the spot when he found the complainant at the spot.

Counsel for the petitioner states that the complainant has submitted an affidavit dated 01.05.2018 wherein he has stated that the complainant had verified the fact and came to know that the petitioner has not done any immoral act with his daughter and the prosecutrix has also stated that the petitioner has not performed any immoral act. The case was registered because of some misunderstanding. Now the misunderstandings is over and he has no grudge against the petitioner. The petitioner is in custody since 23.04.2018. The FIR is silent as to what obscene act was being done by the petitioner.

Learned State counsel, on instructions from ASI Dilbagh Singh, states that it being a crime against the society, even if the complainant has given an affidavit, withdrawing his allegations the same is of no relevance. He further states that though the FIR was registered under Sections 8 & 10 of POCSO Act, but these sections were deleted during investigation and Section 354-B IPC has been added in the case.

The counsel for the complainant does not dispute the affidavit dated 01.05.2018 furnished by the complainant.

Having heard learned counsel for the parties, this Court finds that the complainant is satisfied with the explanation so given by the petitioner and in his affidavit dated 01.05.2018, he has stated that the FIR was registered because of some misunderstanding.

Be that as it may, considering the fact that the petitioner is in custody since 23.04.2018 and no witness has been examined in the case, this Court finds that the trial in this case will take long time, the petitioner is

admitted on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Accordingly, present petition is allowed.

However, the petitioner shall not influence the witnesses directly or indirectly and in case it is found that he is extending any threat or influencing the witnesses, the prosecution shall be at liberty to seek cancellation of his bail.

February 13, 2019

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No