

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-8302 of 2019

Date of Decision: March 05, 2019

Khurshid

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 820 dated 15.08.2018 under Sections 354, 363 and 365 IPC, Section 8 of the Protection of the Children from Sexual Offences Act, 2012 and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989 registered at Police Station Chandni Bagh, Panipat.

The case has been got registered by the complainant,

mother of a minor girl aged around 11 years. In her statement, the complainant alleges that on 15.08.2018 while she has gone to a shop, her minor daughter disappeared and, subsequently, it was revealed that a boy on a white colour Scooty had taken her away leading to the registration of the present case, in which, the petitioner was arrested on 15.08.2018.

Mr. Sandeep Kotla, learned counsel for the petitioner submits that the petitioner is behind the bars since more than six months and has, thus, undergone substantial incarceration and there is no allegation or proof of any sexual assault of any serious nature.

Mr. Amrik Narwal, DAG, Haryana assisted by HC Kuldeep Singh, Police Station Chandni Bagh, Panipat has opposed the grant of bail on the ground that a young girl has been taken away by the accused/petitioner and from whose custody the child was recovered and as per the statement of the girl under Section 161 Cr.P.C. the accused had tried to outrage her modesty and if allowed bail would influence the witnesses.

Appreciating the submissions, the petitioner has been hauled up under Section 8 Section of the Protection of the Children from Sexual Offences Act, 2012 and has already undergone detention for more than six months and in view of the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to

be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

March 05, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No