

236.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12325-2019

Date of decision:25.03.2019

BALJIT

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sushil Sheoran, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.2 dated 21.01.2019 registered under Section 506 of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 at Women Police Station, Charkhi Dadri, District Charkhi Dadri.

Learned counsel for the petitioner has argued that the alleged incident took place on 14.11.2018 at about 8.30 AM, whereas the FIR, in question, was registered on 21.01.2019. He refers to the statement of the prosecutrix rendered under Section 164 Cr.P.C. wherein nowhere it has been stated by the prosecutrix that the petitioner ever touched the breast and committed the act with bad intention. Thus, the prosecutrix has not supported the FIR version in her statement under Section 164 Cr.P.C. The petitioner is in custody since 31.01.2019.

Learned State counsel, on instructions from ASI Jeet Ram, does not dispute the custody. However, she states that the offence under Section 8 of POCSO Act is grave in nature.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 31.01.2019 and the incident took place on 14.11.2018 whereas the FIR was registered on 21.01.2019, the culpability is yet to be established during the trial, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

25.03.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No