

225.

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

CRM-M-13699-2019

Date of decision: 28.08.2019

SURAJ

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, 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.633 dated 27.09.2018 registered under Sections 354-B, 452 of IPC and Section 8 of POCSO Act at Police Station City, Rohtak.

The prosecutrix is about 17 years of age. The allegation against the petitioner is that when the prosecutrix has gone to washroom, the petitioner has climbed the wall and entered in the washroom, as he wanted to establish relation with the prosecutrix. On her refusal, he torn her clothes.

Counsel for the petitioner states that the petitioner is in custody since 02.10.2018. The prosecutrix has already been examined.

Learned State counsel, on instructions from ASI Sukhbir Singh, states that no doubt the petitioner is in custody since 02.10.2018 and the prosecutrix has been examined, but she has supported the case of the

prosecution. The victim is about 17 years of age and, therefore, the POCSO Act has rightly been invoked.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 02.10.2018 and the prosecutrix has been examined in the case, this Court finds that the trial will take sufficient long time, as against 9 witnesses cited by the prosecution, only 4 witnesses have been examined. Thus, 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. In order to avoid embarrassment to the victim, it is directed that the petitioner shall not stay in the same village where the prosecutrix is residing during the trial.

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

28.08.2019
sanjeev

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