

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

CRM-M No.15221 of 2019
Date of decision: 8th April, 2019

Gulzar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. Amrik Narwal, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Gulzar has moved this Court by way of first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.779 dated 29.11.2018 under Sections 452, 457 IPC and Sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Samalka, District Panipat.

The allegations have been levelled by the complainant mother of two minor daughters, alleging that on 25.11.2018 she had gone to meet her mother and when returned back on 27.11.2018, her daughters confided in her that the accused, who is their neighbour, had trespassed into their house and tried to remove the clothes of the two daughters leading to registration of the present case and arrest of the petitioner on 04.12.2018.

Learned counsel for the petitioner Mr. Sarfraj Hussain inter alia contends that the petitioner is behind bars for almost four months and

that a bare perusal of the allegations do not materialize into commission of any offence.

Learned State counsel Mr. Amrik Narwal, Dy. Advocate General, Haryana on instructions from ASI (Ms.) Punam, Police Station Samalka though could not displace the facts brought to the notice of this Court by learned counsel for the petitioner, but has sought to oppose the grant of bail on the grounds of seriousness of allegations.

Appreciating the submissions of the two sides, the petitioner is behind bars for almost four months and on bare perusal of the FIR and the evidence so highlighted, a debatable issue arises over the very applicability of offences punishable under Sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 as well as sections 452 and 457 IPC, which can only be adjudicated at the trial which is not likely to conclude in the near future.

In view thereof, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panipat. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

April 8, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No