

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-16653 of 2019
Date of Decision: May 20, 2019

Ravi

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. S.S. Mor, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No. 151 dated 11.11.2018 under Sections 323, 354 and 34 IPC and Section 12 of POCSO Act, 2012 (subsequently added Section 354-D, 506 IPC, Section 8 of POSCO Act, 2012) Women Police Station Rohtak, District Rohtak.

The brief allegations have come about against the petitioner on the statement of father of minor girl aged around 15 years, a student of 10th standard that on 11.11.2018 while the daughter

of the complainant was playing in the street, the accused/petitioner had forcibly held her hand and tried to talk to her, at which, she shouted and called her mother. It is further alleged that the petitioner/accused started abusing her mother and also assaulted her by means of brick blow leading to the registration of the present case and arrest of the petitioner on 13.12.2018.

Mr. Mor, learned counsel for the petitioner contends that the petitioner is a student and is behind the bars for almost 5 ½ months and in commensurate with the offence, he has already undergone sufficient incarceration.

Mr. Baljinder Virk, DAG, Haryana on instructions from ASI Meena, Women Police Station Rohtak though does not differ over the facts that have been canvassed at bar by the learned counsel for the petitioner but has opposed the grant of the relief on the ground that the accused has tried to not only misbehave with the girl but has also assaulted her mother and has shown apprehension that if allowed bail, the petitioner might stifle the trial.

Going through the submissions, it is admitted stand of the State that injury caused to the mother of the victim is simple in nature. The prima facie allegations of the prosecution hover around a verbal duel. The petitioner is behind the bar since long time.

In view of the above discussion and considering 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.

May 20, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No