

221.

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

CRM-M-23506-2019

Date of decision:28.05.2019

SURJEET PASI

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Naveen Kashyap, 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.104 dated 31.12.2018 registered under Sections 363, 365 of IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012 at Police Station GRP Panipat, District Panipat.

Counsel for the petitioner has argued that the petitioner is in custody since 01.01.2019. The alleged occurrence took place on 28.12.2018, whereas the FIR was registered on 31.12.2018. The co-accused Sandeep has already been admitted on bail by this Court in **CRM-M-21642-2019** titled as ***Sandeep Versus State of Haryana***, vide order dated 16.05.2019. The allegation against the petitioner is that he along with the co-accused Sandeep used to harass the victim on her way to school and the co-accused took the

girl away from the counter of Railway Station and the petitioner-accused enticed her away on the motorcycle from the Railway Station.

Counsel for the petitioner has argued that there is no allegation against the petitioner that he has ever committed sexual assault rather when the victim was offered medical examination, she has not come forward for her medical examination. Rather in her statement under Section 164 Cr.P.C., she has stated that she had gone with the petitioner at her own.

Learned State counsel, on instructions from SI Wazir Singh, has argued that no doubt the co-accused has been admitted on bail by this Court in ***CRM-M-21642-2019 (supra)***, but it is the petitioner who has enticed away the victim and had taken her way on his motorcycle. Even if the complainant has stated that she has gone with the petitioner at her own, is of no relevance, as on the relevant date, she was minor.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 01.01.2019 and the co-accused has already been admitted on bail by this court in ***CRM-M-21642-2019 (supra)*** and in the absence of any such material wherein it may be established that the petitioner is guilty of committing rape, 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

28.05.2019
sanjeev

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