

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

**CRM M-26190 of 2019
Date of Decision: August 28, 2019**

Prem ChandPetitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Lekh Raj Sharma, 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. 195 dated 14.03.2019 under Section 10 of POCSO Act registered at Police Station Model Town, Panipat.

The precise allegations have been levelled by

mother of a minor girl aged around 10 years. It is alleged that on 13.03.2019 around 06.00 a.m., while she had gone for her duty and her daughter/victim was alone at the house, accused/petitioner Prem Chand, who was present in their house has tried to take off the undergarment of the minor girl and seeing the husband of the petitioner fled from the spot leading to his arrest on 31.03.2019.

Mr. L.R. Sharma, learned counsel for the petitioner submits that the petitioner is behind the bars for more 05 months and no offence of heinous nature is made out and has sought to term the allegations to be figment of imagination of the complainant for a motivated cause.

Mr. Baljinder Virk, DAG, Haryana, learned State counsel assisted by ASI Devender Kuar has conceded to the facts detailed before this Court but has opposed the grant of the bail on the grounds of heinousness of the offence .

Going through the submissions and keeping in view the period of incarceration, 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.

August 28, 2019

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**(FATEH DEEP SINGH)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No