

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-24609 of 2019 (O&M)

Date of Decision: 31.05.2019

Roshan Kumar @ Roshan Sagar

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Anter Preet Singh, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

CRM-18527-2019:

The application is allowed, as prayed. The document is taken on record.

Criminal Misc. No.M-24609 of 2019:

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.269 dated 29.09.2017 under Sections 354-A, 355, 506, 294 IPC and Section 12 POCSO Act registered at Police Station Daba, District Ludhiana.

As per the FIR, an altercation took place between mother of the petitioner and the complainant, who is their neighbour, regarding

throwing of garbage. The allegation against the petitioner is that during verbal fight, he committed obscene act by removing his underwear and showed his private part to the complainant and her minor daughter and also used abusive language.

Learned counsel for the petitioner submits that the alleged incident had taken place on 01.09.2017 whereas the FIR in question was registered on 29.09.2017 i.e. after a delay of 28 days i.e. He submits that apart from offence under Section 12 POCSO Act, the other offences are bailable. Moreover, PW-3 Amar Singh, husband of the complainant, has been examined in the case and as per his version, the allegation of removal of trouser is on juvenile Shekhar Kumar and not on the petitioner. As per PW-3 Amar Singh, since somebody had cautioned the petitioner that CCTV camera is installed there, the petitioner had stopped removal of his trouser. The petitioner is in custody since 22.06.2018.

Learned State counsel does not dispute the custody period of the petitioner. However, he submits that the petitioner had accompanied his brother Shekhar Kumar and was present at the scene of occurrence.

I have heard learned counsel for the parties.

Admittedly, the alleged incident has taken place on 01.09.2017 and the FIR in question has been registered on 29.09.2017. Considering the fact that the allegation of commission of the alleged offence, if any, is against the co-accused Shekhar Kumar, the petitioner is in custody for about one year and trial in the case is likely to take a long time, this Court finds that the petitioner deserves to be admitted on bail,

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

May 31, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No