

229.

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

CRM-M-25299-2019

Date of decision:04.07.2019

DEV RAJ

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Keshav Pratap Singh and Mr. Manoj Pundir, Advocates,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

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.84 dated 29.04.2019 registered under Section 354-A of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 at Police Station Haibowal, District Ludhiana.

Counsel for the petitioner has argued that the petitioner is in custody since 29.04.2019 and the allegation against the petitioner is that when the victim has gone to the dairy shop where the petitioner was sitting, he (the petitioner) caught hold of her daughter and put his hand in the skirt worn by the victim. When the victim told the incident to her parents, the parents of the victim and her uncle went to the shop and gave beatings to the petitioner. He has further argued that in the statement under Section 164 Cr.P.C., the only allegation against the petitioner is that the petitioner pulled off her skirt. Since the petitioner was given beatings by the complainant, a

DDR was duly registered by the petitioner and apprehending that a case can be registered against the complainant, the present FIR was registered against the petitioner.

Learned State counsel, on instructions from ASI Bhajan Singh, does not dispute the custody. However, he states that the victim is 8 years old and the petitioner has pulled off the skirt of the victim, which attracts offence under Section 8 of the POCSO Act.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 29.04.2019, the culpability is yet to be proved in the case and the trial in the case will take long time, 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

04.07.2019
sanjeev

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