

220.

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

CRM-M-28146-2019

Date of decision: 29.08.2019

GURDEEP SINGH @ NIKKA

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gurdarshan Singh Sidhu, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, 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, pending trial, in case FIR No.246 dated 18.10.2018 registered under Sections 354-A, 452, 506 of IPC and Section 8 of POCSO Act, at Police Station Kalanwali, District Sirsa.

The aforesaid FIR was registered at the behest of the prosecutrix wherein she has stated that she is a student of 10th class and residing in the house of her maternal uncle (*mama*), namely, Binder son of Nachattar Singh, for the last about 1 ½ years. On 17.10.2018 at about 3 o'clock when she returned home from school and was taking tea, she was alone. In the meanwhile, the petitioner, who is residing with his sister Manjit, came to the house of the prosecutrix when she was alone as her mother and *mama*, who were out of house to glean the cotton crop at that time, caught hold of the hand of the prosecutrix with bad intention, pushed

went to the house of neighbour Lakhbir Singh and disclosed the incident to him. The petitioner was under the influence of liquor and was fully drunk. He threatened the prosecutrix that in case she discloses the incident to anybody, she would be killed. However, the prosecutrix has narrated the incident to her mother and *mama* which led to registration of the FIR.

Counsel for the petitioner has argued that the petitioner is in custody since 30.10.2018. The alleged incident had taken place on 17.10.2018, whereas the FIR was registered on 18.10.2018. The prosecutrix has already been examined and there is no possibility to win over this witness, but in any case, the trial is not likely to be concluded in the near future.

Learned State counsel, on instructions from ASI Bharat Singh, states that the allegations against the petitioner are serious, as the victim is minor, who is a student, about 15 years of age. She has been examined and supported the case of the prosecution.

I have heard learned counsel for the parties.

Petitioner is in custody since 30.10.2018. The allegation against the petitioner is that he entered the house of the prosecutrix when she was alone and the petitioner pushed her on the cot and thereafter, molested her. The prosecutrix has been examined. Learned State counsel has apprised that out of total 17 witnesses cited by the prosecution, only 4 witnesses have been examined. In this manner, trial will take sufficient long time and the case is now fixed for prosecution evidence on 25.09.2019.

Taking into consideration the custody of the petitioner and the fact that the trial in the case will take sufficient long time, this Court deems

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

29.08.2019
sanjeev

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