

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-30726-2019

Date of Decision:19.09.2019

Gurpreet Singh @ Kala

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Ms. Deepshikha Chauhan, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.19 dated 01.04.2019 under Sections 341, 354, 354-D, 506 IPC and Section 3(2)(v) of the SC&ST Act, 1989, registered at Police Station Women Dabwali, District Sirsa. Challan in the case was presented under Sections 341, 354, 354-D, 506 IPC, Section 3(2)(v) of the SC&ST Act, 1989 and Sections 12, 8 of the Protection of Children from Sexual Offences Act, 2012 and charges were framed under Sections 341, 354, 354-D, 506 IPC, Sections 12, 8 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(w)(i) of the SC&ST Act.

Learned counsel for the petitioner has argued that the allegation against the petitioner is that he blocked the way of victim, a 9th class student, when she was coming from her school on 26.03.2019 at about

9/9.15 AM and tried to force himself on the complainant and thereafter started touching the body of the victim inappropriately. He has taken her to an empty corner. However, when the complainant raised cries, her paternal uncle came to the spot and on seeing him, the accused fled away.

Learned counsel for the petitioner has argued that the petitioner is in custody since 03.04.2019. On 26.03.2019, there was no examination of the prosecutrix, she being a student of 9th class and in this manner, there was a holiday. The offence under the SC&ST Act has been added so as to give colour of seriousness to it. Trial in the case is not likely to be concluded in the near future as only examination-in-chief of the prosecutrix has been conducted.

Learned State Counsel, on instructions from ASI Kamla Devi, submits that the victim is minor about 17 years of age and now the case is fixed for 26.09.2019 before the trial Court for her cross-examination.

Heard learned counsel for the parties.

Considering the fact so far as offences under Sections 341, 354-D IPC are concerned, these are bailable, whereas the offences under Sections 354 and 506 IPC are non-bailable. The bare perusal of the FIR does show that there is no allegation so as to invoke the provisions of SC&ST Act except that the prosecutrix belongs to SC category. Petitioner is in custody since 03.04.2019 and trial in the case is not likely to be concluded in the near future as only examination-in-chief of the prosecutrix has been conducted. Therefore, 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 furnishing of his bail bonds/surety

bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner, rather he would not stay in the locality where the prosecutrix is residing so that embarrassment can be avoided in the case.

September 19, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No