

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-31147-2019 (O&M)
Date of Decision:- 23.10.2019

Kali @ Anil @ Vijay

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K.Verma, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana,
assisted by ASI Prem Singh.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Kali @ Anil @ Vijay, seeks grant of regular bail in a case registered vide FIR No.251, dated 1.10.2018, registered at Police Station Sadar, Narwana, District Jind, under Section 506 IPC and under Section 10 of the POCSO Act.
2. The FIR was lodged at the instance of victim, aged 11 years wherein it has been alleged that on 22.9.2018, when she was in school for the

purpose of grazing the sheep, then her father went away to fetch meals and in the meantime petitioner-Kali who was sitting beside her took out his penis and asked her to masturbate but she did not touch. It is alleged that thereafter the petitioner hurled filthy abuses and threatened to kill her. When the complainant's father returned back, the petitioner ran away from the spot.

3. Learned counsel for the petitioner has submitted that the FIR has been lodged falsely against the petitioner and that even if the allegations as levelled in the FIR are taken to be correct, still no offence under Section 10 of POCSO Act would be attracted and at best it will be an offence under Section 11 of POCSO Act, which would be attracted and which is punishable for imprisonment upto 3 years only, although charges have been framed by the Trial Court for offence under Section 7 punishable under Section 8 of POCSO Act.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and specific allegations have been levelled and since the prosecutrix has fully supported the case of the prosecution in the witness box, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Bearing in mind the facts and circumstances of the case and also that the petitioner has been behind bars since the last more than 1 year and that the victim and the complainant has already been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner- Kali @ Anil @ Vijay

is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

October 23, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No