

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

CRM-M-34198-2019 (O&M)
Date of Decision:- 3.12.2019

Sagar ... Petitioner

Versus

State of U.T. Chandigarh ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vijay Kumar, Advocate, for the petitioner.

Mr. Gautam Dutt, Addl. P.P. U.T. Chandigarh.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Sagar has approached this Court seeking grant of regular bail in a case registered vide FIR No.25, dated 13.2.2019, registered at Police Station West Sector 11, Chandigarh, under Section 354-A IPC and Section 8 of POCSO Act.
2. The FIR was lodged at the instance of the victim wherein it has been alleged that she is aged 14 years and is residing with her parents, brother and sister. It is alleged that on 10.1.2019, when she went to her maternal grand-mother's house, her maternal uncle entered into the house in inebriated condition and touched her private parts with a bad intention.
3. The learned counsel for the petitioner has submitted that the FIR came to be lodged under some misunderstandings and that when

statement of the victim was recorded under Section 164 Cr.P.C. she categorically stated that the accused had touched her accidentally. Learned counsel has thus prayed for grant of regular bail.

4. Opposing the petition, the learned State counsel has submitted that since specific allegations have been levelled in the FIR, no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars since the last more than 9 months. It has also been informed that as on date only one PW remains to be examined although one application under Section 311 Cr.P.C. is stated to be pending.
5. Having regard to the facts and circumstances of the case and bearing in mind that the petitioner has been behind bars since the last more than 9 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Sagar 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.

December 3, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No