

222.

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

CRM-M-34127-2019

Date of decision: 04.12.2019

YASH PAL

.... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Shivam Malhotra, Advocate, 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.54 dated 22.05.2019 registered under Section 354-A of IPC and Section 11 of POCSO Act, 2012 at Police Station Basti Bawa Khel, Jalandhar.

As per the FIR, the allegation against the petitioner is that on 21.05.2019 at about 7.30 PM, when the victim, who was about 7 years of age, was playing in the lobby, the petitioner, who is a relative of the tenant of the complainant, visited their house and took the victim (grand-daughter of the complainant) on terrace at the first floor after alluring her where he outraged her modesty.

Counsel for the petitioner has argued that the petitioner is in custody since 28.05.2019 and as against 9 witnesses, only 2 witnesses have been examined. The victim has been examined and, therefore, there is no possibility of influencing the witnesses.

Learned State counsel, on instructions from ASI Pavittar Singh, does not dispute the custody. However, he states that the victim in the case is a 7 years old girl and as per her statement under Section 164 Cr.P.C., the petitioner took her in the bathroom on the top floor of the flat, raised her shirt to the chest level and hold her arm and kissed her. He touched his face with her face and in this manner, the allegations being serious in nature, he does not deserve the concession of bail.

I have heard counsel for the parties.

Petitioner is in custody since 28.05.2019. As against 9 witnesses cited by the prosecution, only 2 witnesses have been examined and in this manner, trial in the case will take long time. The victim has been examined in the case and the possibility of influencing the other witnesses is quite bleak. Thus, 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

04.12.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No