

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

CRM-M-37558 of 2019.

Decided on:- November 01, 2019.

Manpreet Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Rakesh Bakshi, Advocate
for the petitioner.

Ms. Priyanka Sadar, A.A.G., 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 FIR No.82 dated 21.03.2019 under Section 366-A IPC as well as Sections 8 and 18 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) registered at Police Station Farakpur, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that the allegations against the petitioner are that on 21.03.2019 when the daughter of complainant was playing outside the home at about 01/01.30 P.M., the petitioner took her with him on a motorcycle and after reaching near the railway line, kissed her with bad intention. He also teased her with an intention to do wrong acts.

He has further contended that the petitioner is in custody since 21.03.2019 and he is suffering from hyperthyroidism. He is unable to inhale and is exclusively on liquid diet. Therefore, taking into consideration the nature of allegations and the period of custody, the petitioner deserves to be admitted on bail.

Learned State counsel has produced medical status report of the petitioner issued by the Medical Officer, District Jail, Yamuna Nagar dated 28.10.2019, which is taken on record. She has submitted that in the said report, it is not disputed that the petitioner is suffering from hyperthyroidism and is taking treatment from GMCH, Sector-32, Chandigarh, but his general condition is stated to be conscious, oriented to time, place and person, calm cooperative and all vital stable. Therefore, there is nothing serious with the petitioner to admit him on bail on the basis of his health condition.

She has further submitted that the trial is at an advance stage of conclusion. As against the 14 witnesses cited by the prosecution, 12 witnesses have already been examined and the case is now fixed before the trial Court on 14.11.2019.

I have heard learned counsel for the parties.

The petitioner is in custody since 21.03.2019. He is getting medical treatment from GMCH, Sector-32, Chandigarh. The allegation against him is that on 21.03.2019, when the daughter of complainant was playing outside the home, he had taken her on a motorcycle and kissed her cheeks with bad intention. His culpability in the crime is yet to be proved in the case. Therefore, considering the fact that he is in custody since 21.03.2019

and is getting medical treatment from outside the jail premises, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

November 01, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No