

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

CRM-M-40812-2019 (O&M)
Date of Decision:-27.9.2019

Naresh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naveen Siwach, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.203 dated 13.4.2019 at Police Station Sadar Hisar, District Hisar under Sections 354, 354-A(i) and 506 of Indian Penal Code and Section 10 of Protection of Children from Sexual Offences Act, 2012.
2. The FIR was registered at the instance of Ramphal, who had got his statement recorded alongwith his minor daughter, wherein it is alleged that on 7.4.2019, when the complainant was away, then the accused took away the victim from her home while alluring her with his cell phone and molested her.
3. The learned counsel for the petitioner has submitted that the FIR came to be lodged under some mistaken belief and that during the course of trial the

complainant Ramphal and his wife have both given a clean-chit to the petitioner.

4. Opposing the petition, the learned State counsel has submitted that although the complainant Ramphal i.e. father of the victim may have turned hostile but when the statement of the victim was examined in the Court during the proceedings of trial, she has supported the case of prosecution. It has thus been submitted that keeping in view the heinous nature of offence and the tender age of the victim, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. In view of the fact that the parents of the victim have not supported the case of the prosecution during the course of trial and while noticing that the petitioner has been behind bars since the last more than five months and the material witnesses have already been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.9.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No