

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

CRM-M-41996 of 2019.

Decided on:- November 01, 2019.

Vishal Sharma.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Jagmohan Ghumman, Advocate
for the petitioner.

Mr. Vikramjeet Singh, Addl. 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.51 dated 22.04.2019 under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) and Section 354 IPC (added later on) registered at Police Station Women Cell (West), Sector-15, Part-II, Gurugram.

The aforesaid FIR was registered on the statement of Manju Devi mother of the victim. As per the FIR, on 14.04.2019, when daughter of the complainant had gone to the market of Sector 14, Gurugram so as to learn driving scooty, the petitioner followed her and he used to follow her when she used to go to school. He caught hold of her hand and for this reason, the daughter of complainant had to leave the school. The petitioner has been

troubling the daughter of complainant and her family is fed up with the act of the petitioner.

Learned counsel for the petitioner has argued that apart from the fact that the petitioner is in custody since 23.04.2019, the petitioner and victim are known to each other as they are neighbours. Moreover, the alleged scooty being used by the victim so as to learn driving is owned by the petitioner himself which further establishes the proximity of the petitioner with the victim.

Learned State counsel does not dispute the custody. However, he states that the prosecutrix is a minor girl and the petitioner used to harass her and for this reason, she has to leave her schooling. He further states that as against the total 11 witnesses cited by the prosecution, 2 witnesses has been examined before the trial Court.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 23.04.2019 and conclusion of the trial is likely to take long time, 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.

However, it is made clear that in case the petitioner influences the remaining prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

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