

218.

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

CRM-M-46414-2019

Date of decision: 28.11.2019

CHHINDA @ JAJJ

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Tanvir Singh Grewal, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

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.56 dated 28.08.2019 registered under Sections 354D, 506, 509, 342/34 of IPC and Section 12 of POCSO Act, at Women Police Station, Dabwali, District Sirsa.

The aforesaid FIR was registered at the behest of the prosecutrix, who is a student of 10th class. As per the FIR, on 27.08.2019, when she was going to school, at 7.45 in the morning, the petitioner, who is a resident of the same village, obstructed her way and asked to have his phone number. However, when the prosecutrix refused to do so, he started abusing her. The petitioner was accompanied by his friends, who also started scuffling with the prosecutrix. Thereafter, the petitioner threatened the prosecutrix that he will see her after school hours and will kidnap her. At that time, the other friends Kavita and Suman were also with the prosecutrix.

During the incident, Kali, who is the neighbour of the prosecutrix, also reached there and on seeing them, he stopped there. Thereafter, the petitioner also scuffled with Kali and inflicted injuries to him (Kali).

Counsel for the petitioner has argued that the petitioner is in custody since 30.08.2019. The incident has occurred on 27.08.2019, whereas the FIR was registered on 28.08.2019. The offence under Section 12 of POCSO Act has been added without any justifiable reason so as to give seriousness to the offence. Another FIR No.197 dated 27.08.2019 under Sections 147, 149, 323, 341 and 506 of IPC, Police Station Kalianwali, District Sirsa at the behest of Kali (the complainant in that case) and the said FIR has virtually arisen out of the same occurrence.

Learned State counsel does not dispute the custody. However, she submits that the petitioner wanted to develop physical relations with the prosecutrix forcibly despite the fact that she is minor and was never interested in the petitioner. Even otherwise, the allegations against the petitioner are serious.

I have heard counsel for the parties.

Petitioner is in custody since 30.08.2019. The trial in the case is not likely to be concluded as only one witness has been examined in the case out of total 21 witnesses cited by the prosecution and the case is fixed for 12.12.2019. 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.

However, in case the petitioner influence any witness or extend any threat to the prosecutrix in any manner, the prosecution shall be at liberty to seek cancellation of his bail.

(HARI PAL VERMA)
JUDGE

28.11.2019
sanjeev

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