

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

CRM-M-46151 of 2019.

Decided on:- November 01, 2019.

Satish Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Vikramjeet Singh, Addl. A.G., Haryana.

Mr. Deepam Raghava, Advocate
for Neelam (mother of student).

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.273 dated 09.09.2019 under Section 10 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) registered at Police Station Farrukh Nagar, District Gurugram.

Learned counsel for the petitioner has referred to the statements of students as Annexure P-1 (colly) and Annexure P-2 to contend that the petitioner had told the students to keep silence and to turn their faces towards front side i.e. blackboard. Thereafter, the petitioner turned their faces with his

hand towards blackboard and told them to understand his teaching, otherwise they will suffer adversely in the examinations.

He has further contended that though one student Minakshi, who has stated that the petitioner had hold her hand, touched her waist and cheeks when she was present in the class, but she has not stated that the petitioner had done so with an intention to outrage her modesty. He further states that even Neelam, who is mother of student Minakshi has furnished an affidavit (Annexure P-3) that it is the Principal of the school, who had called her along with her daughter in the school and forced them to write a complaint against the petitioner, who is a science teacher. Therefore, her daughter wrote an application at the instance of the Principal and she (Neelam) had also put her signatures on this complaint.

He has further contended that the petitioner is in custody since 10.09.2019 and conclusion of trial will take long time.

At this stage, Mr. Deepam Raghava, Advocate has put in appearance and filed power of attorney on behalf of Neelam, which is taken on record. He has submitted that at the relevant time, the students were under the influence of the Principal, otherwise, they had no such complaint against the petitioner.

Learned State counsel has not disputed the custody. He has submitted that Challan in the case has been presented and charge has been framed against the petitioner. However, as against total 14 witnesses cited by the prosecution, no witness has been examined in the case so far.

I have heard learned counsel for the parties.

The petitioner is in custody since 10.09.2019. Moreover, Neelam, who is mother of one of the students, has come forward with an affidavit that a complaint was made on the asking of Principal of the school, where such allegations were made against the petitioner. Therefore, taking into consideration the nature of allegations and the fact that the trial is not likely to be concluded in the near future, 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