

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

CRM-M-46620 of 2019 (O&M)
Decided on:- November 29, 2019.

Sunny.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Pankaj Bali, Advocate
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

CRM-35549-2019

This is an application filed under Section 482 Cr.PC for adding the offence under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) in the prayer clause as well as in the head note of the main petition.

For the reasons stated in the application, the same is allowed and it is ordered that the offence under Section 12 of the POCSO Act be also read besides the other offences mentioned in the prayer clause as well as head note of the main petition.

CRM-M-46620-2019

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.504 dated 11.06.2019 under Sections 354, 354-D and 506 IPC as well as Section 12 of the POCSO Act registered at Police Station City Karnal, District Karnal.

Learned counsel for the petitioner has argued that the initial version of the FIR registered at the behest of the prosecutrix-victim shows that on 10.06.2019 at about 10.45 A.M. when she was standing near the water tank so as to take auto-rickshaw, the petitioner followed her and started saying indecent words. However, when the prosecutrix agitated, the petitioner caught hold of her hand and with great difficulty, she could get herself released from him. Earlier also, he had committed similar act at number of times and felt sorry, but is not mending his ways. Thereafter, there is a complete improvement in the statement of the prosecutrix while making statement under Section 164 Cr.PC and during her examination before the trial Court as PW1. In the improved version, she has stated that her obscene photographs have been clicked by the petitioner and on the threat of knife, she was made to sit on the motorcycle.

He has further submitted that the petitioner is in custody since 14.06.2019 and the trial of the case is not likely to be concluded in near future as only 3 witnesses have been examined in the case, whereas there are total 16 witnesses cited by the prosecution.

Learned State counsel has opposed the bail of the petitioner on the ground that he has been outraging the modesty of the prosecutrix and has been harassing her sister as well. He has taken obscene photographs of the prosecutrix and under the threat of knife made the prosecutrix to sit on the motorcycle. In case the petitioner is admitted on bail, he can influence the prosecution witnesses.

I have heard learned counsel for the parties.

The petitioner is in custody since 14.06.2019. As against total 16 witnesses cited by the prosecution, only 3 witnesses have been examined in the case. Moreover, the prosecutrix has improved her earlier version as recorded in the FIR in her statement under Section 164 Cr.PC and when she appeared in the witness box as PW1. Therefore, when the culpability of the petitioner is yet to be established during the trial, 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.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witness directly or indirectly in any manner.

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 29, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No