

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

CRM M-46792 of 2019 (O&M)

Date of Decision: December 17, 2019

Arun @ Tinnu

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Manoj K. Tanwar, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The allegations against petitioner-Arun @ Tinnu, a young boy aged around 19 years in this first regular bail petition under Section 439 Cr.P.C. in case FIR No. 378 dated 02.08.2019 under Section 12 of Protection of Children from Sexual Offences Act, 2012, Section 506 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of

Atrocities) Act 1989 (for short '**the SC and ST Act**') have been levelled by a minor girl aged around 17 years. It is alleged that accused accosted the complainant on 1st of August, 2019 around noon and held her by arm and made obscene gestures and offered her to accompany him leading to the registration of the present case.

Learned counsel for the petitioner, *inter alia*, contends that from the plain reading of the allegations, no offence under Section 3 of the SC and ST Act is made out and that the petitioner is behind the bars for almost 04 months.

Ms. Trishanjali Sharma, AAG, Haryana on instructions from SI Roshan Singh has opposed the bail on the grounds that the trial is under way, in which, complainant is to be examined and, if allowed bail, the petitioner might stifle the trial.

Appreciating the submissions of the two sides, the petitioner is a young lad and is in custody for almost 04 months. From the bare perusal of the allegations, a debatable issue arises over the applicability of offence under Section 3 of the SC and ST Act and so under Section 506 IPC. Culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the

satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

December 17, 2019

amit rana

(FATEH DEEP SINGH)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No