

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

CRM-M No.56013 of 2018

Date of decision: 15th March, 2019

Amarjeet @ Kalu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Surinder Gandhi, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Amarjeet alias Kalu in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.0504 dated 26.07.2018 under Sections 365, 506 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Sampla, District Rohtak have been levelled by the victim, a minor girl aged around 17 ½ years a student of 10+2 class. Alleging that on 26.07.2018 she was standing outside the washroom of her house when the accused forcibly took her to the roof and outraged her modesty leading to registration of the present case and arrest of the accused on 28.07.2018.

Learned counsel for the petitioner Mr. Surinder Gandhi inter alia contends that the petitioner is behind bars for the last almost eight months and that there is no medical evidence to corroborate any such allegation of physical assault.

Learned State counsel Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from ASI Ashwani Kumar, Police Station Sampla, District Rohtak though has not displaced the facts brought to the notice of this Court by learned counsel for the petitioner, but has opposed the grant of bail on the grounds that if allowed bail the petitioner might stifle the trial.

In the light of what has been argued before this Court, the petitioner is behind bars for more than eight months and the trial is not likely to conclude in the near future. Thus, the petitioner having undergone substantial incarceration together with the fact that there is no medical evidence to support the physical assault on the victim and culpability if any shall be determined at the trial, and in view thereof this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Rohtak. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

March 15, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No