

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-51713-2019 (O&M)
Date of Decision:-10.12.2019

Shankar @ Shivshankar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lalit Kumar, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana,
assisted by ASI Anoop Kumar.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.0009 dated 19.7.2019 at Police Station Women Police Station Charkhi Dadri, District Charkhi Dadri under Sections 354-A(2) and 354-D of Indian Penal Code and Sections 10 and 12 of POCSO Act.
2. The FIR was lodged at the instance of Surender wherein it has been alleged that Shekhar frequently used to tease and harass his daughter while she used to commute to her school and although he had brought the said fact to the notice of his parents but they did not respond to the protest of the complainant. It is further alleged that on 18.7.2019 the aforesaid Shekhar while sitting on the pillion seat of a motorcycle driven by Shankar @

Shivshankar (petitioner) brought the motorcycle near his daughter. Shekhar hit his daughter with his hand around her waist while asking her to sit on the motorcycle.

3. The learned counsel for the petitioner has submitted that even as per the FIR the allegations of the alleged molestation are against the co-accused Shekhar and no such overt act is attributed to the petitioner Shankar @ Shivshankar, who is alleged to be driving the motorcycle. The learned counsel has further submitted that in any case the complainant as well as the victim while in the witness box have resiled from the statement and have not supported the case of the prosecution.
4. The aforestated position is not disputed by the learned State counsel.
5. Having regard to the facts and circumstances of the case especially that the petitioner has been behind bars since the last about 4 months and that the complainant as well as the victim have not supported the case of prosecution, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No