

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-53918 of 2019

Date of Decision: 20.12.2019

Deepak @ Deepu

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Surinder Singh Virk, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.166 dated 11.07.2019 under Sections 354 IPC and Section 10 POCSO Act registered at Police Station Israna, District Panipat.

The aforesaid FIR was registered at the behest of Surinder Kumar, complainant, who is father of the victim. As per the FIR, the petitioner Deepak @ Deepu used to do wrong acts and show obscene gestures to the daughter of the complainant. He had blocked her way and told her that in case she will tell these things at her home, then he will kill

her and her brothers, as he is a bad type of person. The prosecutrix is about

13 years of age and the petitioner is a politically strong person. Since the prosecutrix is a minor girl, she got frightened after this incident. Therefore, action was sought against the petitioner.

Learned counsel for the petitioner has argued that the petitioner has falsely been implicated in the case. Moreover, there is improvement in the statement of the prosecutrix recorded under Section 164 CrPC. He has referred to a complaint dated 21.02.2019 (Annexure P-3) submitted by Neelam and Mamta (who are sister-in-law (*bhabhi*) and wife of the petitioner respectively), addressed to the SHO, Israna, Panipat, which was made against the father of the prosecutrix, as he had trespassed into the house of the petitioner and misbehaved with ladies. It is in this background, the present FIR has been registered against the petitioner. The petitioner is in custody since 04.08.2019.

Learned State counsel does not dispute the custody of the petitioner. However, she submits that the prosecutrix in the case is a minor girl of 13 years of age and a student of 8th class. The allegations against the petitioner are serious, as he used to do wrong acts and show obscene gestures towards the prosecutrix. She has further submitted that in fact, in her statement under Section 164 CrPC, further allegations have been levelled by the prosecutrix against the petitioner that the petitioner had torn her clothes and had touched her chest. Moreover, he insisted the prosecutrix to sit on his motorcycle, but since the father and grandmother of the prosecutrix reached at the spot, when she raised alarm, the petitioner ran away from the spot.

I have heard learned counsel for the parties.

There is variation in the statement of the prosecutrix from the initial version, which is the basis of the FIR and her statement under Section 164 CrPC. There is also a reference to complaint dated 21.02.2019 (Annexure P-3) submitted by Neelam and Mamta, who are sister-in-law (*bhabhi*) and wife of the petitioner respectively, addressed to the SHO, Israna, Panipat, which was made against the father of the prosecutrix, as he had trespassed into the house of the petitioner and misbehaved with ladies, but such complaint is a matter of investigation. Considering the fact that the petitioner is in custody since 04.08.2019 and trial in the case is not likely to be concluded in near future, as only 3 prosecution witness out 14 prosecution witnesses have been examined so far, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

December 20, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No