

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

CRM-M No.239 of 2020

Date of decision: 26th February, 2020

Tahir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Deepak Manchanda, Addl. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

Petitioner accused Tahir, who is in judicial custody, has come up in this second regular bail application under Section 439 Cr.P.C. in case bearing FIR No.175 dated 07.09.2019 under Sections 148, 149, 323, 506 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Rojka Meo, District Nuh, the earlier one having been dismissed by this Court on 22.10.2019.

On 07.09.2019, information was received at the Police Station that a minor school girl, a student of 11th Class, aged around 16 years has been molested in the school in the presence of her father. It is alleged that co-accused non-applicants Juned and Mosim, students of the same very school, had earlier in the day had molested the victim while

she had gone to the school hand-pump to drink water. It is subsequent thereto when the parents of the victim were complaining the matter, 50-60 persons on 15-16 motorcycles who were identified as Mubarik, Sheru, Ajru, Firoj, Juned, Yusuf, Mosim, Shahrukh, Jaid, Jahid, Renu, Aakib, Kasim, Kaif, Ajij, Adil, Mukhtar, Rijzwan, another Shahrukh and Khalil including the present petitioner all armed with bricks, stones and lathis arrived there and assaulted the girl side leading to registration of the present case.

Learned counsel for the petitioner Mr. Vipul Aggarwal, Advocate inter alia contends that the petitioner Tahir has not been attributed any role in the molestation, neither any charges have been framed against him under the provisions of the Protection of Children from Sexual Offences Act, 2012. It is submitted that only simple injuries are attributed and similarly placed co-accused non-applicants Shahrukh, Irfan and Aakib have been allowed regular bail by this Court vide orders dated 06.02.2020, 20.02.2020 and 04.02.2020 respectively.

Learned State counsel, Mr. Deepak Manchanda, Addl. Advocate General, Haryana though has not refuted the facts but has sought to oppose the grant of bail on the grounds of heinousness of the offence and seriousness of allegations.

Going through the submissions of the two sides, the petitioner is behind bars since 07.09.2019. Similarly placed co-accused

non-applicants have been allowed regular bail by this Court and thus, by the principle of parity together with the fact that the petitioner was not a part of the prior incident when the girl was molested. Keeping in view the period of detention and the fact that trial is not is not likely to conclude in the near future, 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, Nuh. 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

February 26, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No