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

CRM-M No.1013 of 2020(O&M)

Date of Decision: 24.11.2020

Om Parkash Verma

.....Petitioner

Vs

State of U.T., Chandigarh

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sanjeev Gupta, Advocate
for the petitioner.

Mr. Sumit Jain, APP, UT, Chandigarh.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.154 dated 23.08.2019 registered under Section 8 of POCSO Act 2012 at Police station Mauli Jagran, U.T., Chandigarh.

As per prosecution case, the FIR was registered by mother of the victim. The victim is about 12 years of age. The victim was taking tuition from the petitioner. Petitioner allegedly put his hand on her lips and touched the chest with ill intention.

The statement of the victim was recorded under Section 164 Cr.P.C wherein she has alleged that the petitioner started teaching the students where the victim and 7-8 persons were present. At about 6:45 PM, the petitioner stopped the victim from going home on the pretext of teaching her Math sums and also for English reading. Petitioner brought some halwa and started feeding the victim with his hands. During this process, he touched the lips of the victim and also touched the heart. Petitioner is in custody since 24.08.2019. After filing of the challan, charges have not been framed so far.

Mr. Sumit Jain, APP, UT, Chandigarh however opposed the prayer on the ground that the petitioner has committed an offence under Section 7 punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012. The punishment prescribed under Section 8 of the Act is not less than 3 years, but the same may extend to 5 years and shall also be liable to fine.

Learned counsel for the petitioner with reference to age of the petitioner submitted that the petitioner is 65 years of age and has retired from Northern Railway on 31.03.2014. He has a family of his wife, daughter and grand-daughter. He was giving tuition to poor children who cannot afford tuition fee.

At this stage, without meaning anything on merits of the

case, keeping in view the custody of the petitioner since 24.08.2019, stage of the trial and situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

24.11.2020*Prince***(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No