

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

203

CRM-M-3328-2020

Date of Decision : July 02, 2020

NITYA NAND

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. S.K.Yadav, Advocate
for the petitioner.

Ms. Subhra Singh, Addl. A.G., Haryana.

NIRMALJIT KAUR, J. (Oral)

The prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.121 dated 19.9.2019 under Sections 354-B, 452 and 506 IPC and Section 8 of the POCSO Act, 2012 Police Station Women Police Station, Narnaul.

The matter was adjourned for today to await the statement of the prosecutrix. Her statement has been placed on record.

Learned State counsel while opposing the bail application stated that the girl in the present case is 15 years whereas the petitioner is more than 30 years.

However, as per the FIR dated 19.9.2019 got recorded by the mother of the prosecutrix, the petitioner had earlier misbehaved with the mother of the prosecutrix and had infact gone as far as manhandling her and also tried to outrage the modesty. Still, it is the case of the petitioner

that the matter was compromised. Thereafter, once again, the petitioner is alleged to have misbehaved with her i.e. mother of the prosecutrix on 19.9.2019 and while she was at the Police Station she received a telephonic call that the petitioner had misbehaved with her daughter who is aged 15 years.

As per the statement of the prosecutrix, when she was coming back from the school, the accused had abused her and entered her room and grappled with her.

However, it is also admitted by her that there was an enmity between her parents and the petitioner. Learned counsel for the petitioner, therefore, contends that the false implication of the petitioner cannot be ruled out.

The petitioner is in custody since 16.11.2019 and in view of the controversy surrounding the entire incident, this Court deems it proper to accept the present petition and release the petitioner on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

However, it is clarified that the petitioner shall keep away from the house of the prosecutrix, school and not be seen anywhere around her. In case, he does so and any complaint is filed on that behalf, the State will be at liberty to move a petition for cancellation of the bail.

July 02, 2020
ajay-1

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No