

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

CRM-M-9048 of 2020 (O&M)
Date of Decision: March 05, 2020

Pardeep Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Nitin Thatai, Advocate and
Mr. Pawan Bishnoi, Advocate
for the petitioner.

Ms. Trishanjali Chopra, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.297 dated 16.12.2019, under Sections 10 and 12 of POCSO Act, Sections 75 and 82 of Juvenile Justice Act and Section 3 of SC & ST (Prevention of Atrocities) Act, registered at Police Station Adampur, Hisar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 07.01.2020. It is submitted that the petitioner has been falsely implicated in the present case along with two other teachers only on account of rivalry between the teachers themselves. It is argued that 24 girls had been cited as victims of inappropriate behaviour by the teachers, however, only one girl has come

forward to have her statement recorded under Section 164 Cr.P.C. before the JMIC, Hisar. A reading of the statement of the girl recorded under Section 164 Cr.P.C. would reflect inappropriate behaviour against Vishnu and Dharampal and the petitioner herein has not been cited in the said statement. It is also argued that there are several affidavits available on the record of the students as cited by the Child Protection Officer, along with their parents, in which they willingly submit that no such incident had happened and that they were pressurized by one of the teacher to give the complaints. It is further argued that out of 24 students, who have been cited as persons molested by the teachers, three of them have already left the school, which itself would show his false implication.

Per contra, learned State counsel, on instructions from the Investigating Officer opposes the grant of regular bail to the petitioner, while submitting that the allegations levelled against the petitioner are serious in nature.

I have heard learned counsel for the parties and have also perused the statement given by one of the student under Section 164 Cr.P.C. who does not name the petitioner herein.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 07.01.2020 and that investigation is complete, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

Needless to say, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no effect on the merits of the case.

However, before parting with this order, this court is of the opinion that the matter needs to be looked at regarding the conduct of the Child Protection Officer, who has cited certain students allegedly subjected to molestation and the names of those students would reflect that they had already left the school much prior to the date of the incident.

Let a copy of this order be sent to the Chairman, District Child Welfare Committee, Hisar, to look into the matter and furnish a report to this court as expeditiously as possible within a period of four weeks.

A copy of this order be sent to the Chairman, District Child Welfare Committee, Hisar, (who to the understanding of this court is the Deputy Commissioner) and a copy of this order be also furnished to the learned State counsel as well for compliance.

Put up on 14.05.2020 to await the compliance report.

March 05, 2020

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No