

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

Criminal Misc. No. M-12558 of 2020(O&M)
Date of Decision: 28.05.2020

Jagdish

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gursimran Singh Madaan, Advocate,
for the petitioner.

Mr. Deepak Sabharwal, Addl.A.G.,Haryana.

ANIL KSHETARPAL, J.

CRM-10784-2020

Allowed as prayed for.

MAIN

The petitioner prays for grant of bail pending trial in a criminal case arising out from FIR No.63, dated 04.11.2019, registered under Sections 354-A/365 IPC and Section 8 of POCSO Act, 2012, at Women Police Station, Dabwali, District Sirsa.

The gist of the case of the prosecution has been noticed by the learned Additional Sessions Judge, in the following manner:-

2.That the present FIR has been registered on the statement of Pooja @ Khusboo D/o Surinder aged about 13 years old on the allegations that on 02.11.2019, at around 7:30 p.m. she had gone out of the house for feeding the animals wherein petitioner who is their neighbour caughtt hold of her from the backside and took her to some watercourse, situated approximately 1 KM away from her place and tried to put himself over her but her mother, uncle and aunt came there and on

seeing them the petitioner ran away from the spot. Complainant has alleged that the petitioner has molested her with bad intention.”

Hearing of the case was held through video conferencing on account of lock-down.

Learned counsel for the petitioner contends that there is a history of dispute with respect to land between the two families and motorcycle of the petitioner was burnt by the family of the alleged victim 2 days before the date of alleged occurrence. He further submits that the victim has refused to undergo medical examination.

On the other hand, learned State counsel has submitted that the victim has implicated the petitioner in her statement recorded under Section 164 Cr.P.C.

The petitioner is in custody since 05.11.2019. The trial of the case is yet to commence. The police report under Section 173 Cr.P.C has been filed after conclusion of the investigation.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 05.11.2019 and conclusion of the trial is likely to take some time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the petition is allowed with the aforesaid directions.

(ANIL KSHETARPL)
JUDGE

May 28, 2020
“nt”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No