

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
208

CRM-M-13070-2020(O&M)
Date of decision : 29.07.2020

Jitender

.....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Bhagwan Sharma, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No.135, dated 06.08.2019, registered under Section 10 and 6(added later on) of the POCSO Act, 2012, at Women Police Station, Sector 16-A, Faridabad, District Faridabad.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Fast Track Court, Faridabad in paragraph 2 of order dated 11.02.2020, which is extracted as under:-

“2. The present case was registered on the basis of complaint made by the complainant-mother of the prosecutrix (name withheld to protect her identity) alleging therein that on 05.08.2019 at about 1.30 pm when her daughter got down from school van she disclosed to her mother that applicant-accused put his hand in her underwear. He also touched her lips by his tongue. Prayer has been made for taking legal action against the culprit. Accused-applicant was arrested on 06.08.2019. Hence, this bail application.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts due to the spread of Noval corona virus.

Learned counsel for the petitioner contends that the statement of the victim has been recorded before the Court in which she has stated that the petitioner touched her cheeks with his tongue. He submits that the victim does not state that the petitioner slipped his hand in the underwear of the victim.

On the other hand, learned counsel for the State has submitted that the trial of the case has made substantial progress, therefore, this court should not consider the request for grant of bail to the petitionr, at this stage.

The petitioner is in custody since 06.08.2019 i.e. a little less than one year. The petitioner is not stated to be involved in any other case. He is a young man of 19 years.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 06.08.2019 and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the present petition is allowed with the aforesaid directions.

July 29, 2020

nt

Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)
JUDGE

: Yes/No

: Yes/No