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

CRM-M No. 13038 of 2020
Date of Decision: 08.06.2020

Vashudev and another

-Petitioners

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rohit Mittal, Advocate,
for the petitioners.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioners seek grant of regular bail in case bearing FIR No.121 dated 02.05.2019 registered under Sections 363/34 IPC and under Section 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Ateli, District Mahendergarh, Haryana.

Complainant has alleged that his son aged 11 years, student of 6th class was enticed away by the petitioners along with two other co-accused namely Vashudev and Rahul near the forest in the village and they have committed bad act with him.

The motive for the offence was that a complaint was filed by Sushila Devi, mother of the co-accused namely Diwanshu @

Diwanshu Kumar against the complainant party and Sarpanch Bachna Devi in which they were summoned by the trial Court. The present case is the counter blast to the aforesaid case.

Co-accused namely Diwanshu @ Diwanshu Kumar has been granted regular bail by this Court vide order dated 16.03.2020 passed in CRM-M No.34528 of 2019, after noticing the fact that the complainant, victim and prosecution witnesses have not supported the case of the prosecution.

The case of the petitioners requires to be treated at par with co-accused Diwanshu @ Diwanshu Kumar.

Learned State counsel admits the factum of complainant, victim and prosecution witnesses in not supporting the prosecution case and they have been declared hostile, however, cross-examined by the prosecution.

Taking into consideration the aforesaid facts, I deem it appropriate to enlarge the petitioners on regular bail, who are in custody since 04.05.2019.

In view of aforesaid, petitioners are directed to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

However, it is clarified that the parents of the petitioners shall also furnish their affidavits before the trial Court that the petitioners shall not try to contact the victim or his family members in future.

In the event of doing so, the prosecution would be well within its right to seek cancellation of bail granted to the petitioners.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

June 08, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |