

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

206

CRM-M No.14178 of 2020

Date of Decision: July 10th, 2020

Praveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Devender Arya, Advocate
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.102 dated 10.03.2020 registered under Sections 323/342 IPC and Section 10 of POCSO Act at Police Station Kanina, District Mahendergarh.

Learned counsel for the petitioner states that the petitioner is in custody since 10.03.2020. Challan was presented in this case on 04.05.2020 and till date no charge has been framed. He contends that today he completes four months in custody and the trial is not likely to proceed as the next date of hearing is 06.08.2020. The prevailing circumstances are such where even the charge may take a long time to frame against the petitioner. He, therefore, prays that the petitioner be granted the concession of bail.

Counsel for the State, on the other hand, asserts that the petitioner is a teacher and instead of protecting the dignity of his students, he has proceeded to indulge in the acts, which are never expected of him. He contends that the prosecutrix is a 15 years old girl and there is every likelihood of the petitioner influencing her, especially when she is residing

in the same locality as the petitioner. He contends that the petitioner, therefore, be not granted the concession of bail.

Counsel for the petitioner responds to this assertion of the counsel for the State by asserting that the petitioner would not enter the locality in case the concession of bail is granted to him till the evidence of the prosecutrix in the criminal trial. He states that he is residing in the said locality on a rented accommodation and would shift from the said locality to some other locality. He has very clearly and categorically stated that the petitioner shall not enter the locality where the house of the prosecutrix is located. Statement has further been made that the petitioner should shift his accommodation where he is residing on rent to some other locality. He, therefore, prays that the concession of bail be granted to the petitioner on these conditions.

Having considered the submissions made by the counsel for the parties, this Court is of the opinion that since the petitioner is in custody for the last four months, till date charge has not been framed and because of the prevailing pandemic, the trial is not likely to start in the near future, especially when the charge also has not been framed and the next date of hearing is 06.08.2020 and in the light of this statement by the counsel for the petitioner, the prayer made by the counsel for the petitioner is accepted and the petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Narnaul.

It is made clear that in case the petitioner enters the locality or fails to shift his residence from the locality within a period of two weeks from the date of his release on bail, it would be open to the prosecution to move an application for cancellation of bail, which shall be considered by the Court.

It goes without saying that if the petitioner ever makes an effort to meet the prosecutrix or approaches the prosecutrix in any manner, which would indicate efforts on his part to influence the prosecutrix, the prosecution would be require to move an appropriate application before this Court.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

July 10th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No