

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13997-2020(O&M)
Date of decision: 17.6.2020

Phool Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner

Mr. Deepak Sabharwal, Addl. AG, Haryana

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.136 dated 10.3.2020 registered under Section 148, 149, 323, 379, 427, 506 IPC and Section 8 of Protection of Children from Sexual Offence Act 2012 at Police Station City Narnaul, District Mahendergarh.

In a nutshell, the case of the prosecution as noticed by the learned Additional Sessions Judge, Narnaul is extracted as under:-

“2. The present case was registered on the complaint of victim to the effect that on 10.3.2020 at about 12:30/1:00 PM, victim was present outside her house. Phool Singh along with two unknown persons came there and forcibly apply colour on her and molested her. On raising noise, the said persons

fled away from there. After expiry of 15-20 minutes, Phool Singh along with 15-20 persons armed with staffs and clubs came at the spot on 7-8 motorcycles and attacked upon the victim and her family members and they victim's family sustained injuries on their person. They also taken away motorcycle of his uncle and damaged the glasses of vehicle of one Satish. Prayer has been made for taking legal action against the applicants-accused.”

Learned counsel for the petitioner contends that on completion of the investigation police report has been submitted. He further contends that offence under Section 8 of the Protection of Children from Sexual Offences Act is not made out as the allegations made in the FIR do not fulfill its requirements. He further submits that petitioner is in custody for more than 3 months. He further points out that in the present case final report was submitted after the period prescribed under Section 167 (2) Cr.P.C.

Learned State counsel does not dispute that the challan was not presented within the time prescribed.

In any case, charges are yet to be framed. The prosecution intends to examine as many as 20 witnesses. Conclusion of the trial is likely to take time.

In view thereof ,on merits as well as in view of provision of Section 167 (2) Cr.P.C. it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the

satisfaction of the concerned trial Court/Duty Magistrate.

Petition stands allowed.

17.06.2020	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No