

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

CRM-M No.15419 of 2020
DATE OF DECISION : 1st JULY, 2020

Virpal

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Shilak Ram Hooda, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.09 dated 07.01.2020 registered under Sections 354A & 506 IPC and Section 10 of POCSO Act, 2012 at Police Station Lakhan Majra, District Rohtak.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the petitioner is practicing as a Doctor and the parents of the girl themselves had brought their daughter to him for medical examination on account of her sudden illness. The petitioner is only alleged to have medically examined the girl. It appears that the girl mistook the medical examination and started weeping in front of her parents, which resulted in the present FIR. Otherwise, the petitioner is of the age of about 70 years and he has never indulged in this kind of activities. Now even the complainant has sworn an affidavit stating therein that they have verified the facts and found that the petitioner had

not done anything wrong and now they have no complaint against the petitioner. It is further submitted that the petitioner is in custody since 07.01.2020. The challan has already been presented. Hence the petitioner is not required for any investigation purposes.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State.

On the other hand, the counsel for the State, being instructed by ASI Sudesh, submits that there have been specific allegations against the petitioner. However, it is not disputed that even as per the case of the prosecution the girl was taken to the clinic of the petitioner for medical examination due to sudden illness. It is also not disputed that the petitioner is in custody since 07.01.2020 and that the challan has already been filed.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

1st JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No