

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-19873-2020 (O&M)

Date of decision : July 22, 2020

Amit

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sandeep Kumar Yadav, Advocate, for the petitioner
Mr. Baljinder Virk, DAG Haryana for the State
Mr. Aditya Sanghi, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19

Petitioner-accused Amit has come up in this first anticipatory bail in case FIR No. 303 dated 26.6.2020 under Sections 323, 34, 506 IPC and Sections 8, 12 of POCSO Act, 2012, Police Station City Mohindergarh, got registered by mother of a girl aged around 14 years.

The brief allegations that have come about are that her daughter was being repeatedly teased by the accused-petitioner and as a consequence of which they sent their daughter to a hostel for

her education and when during pandemic COVID-19, she has come back to home, accused has sent message through an acquaintance to persuade the girl to talk with him and when the complainant went to the house of the petitioner to lodge protest, they were assaulted.

Learned counsel for the petitioner inter-alia contends that on bare perusal of the allegations there is no case of application of offences under Sections 8 or 12 of the POCSO Act and mere communicating with a girl simply does not falls within the domain of any offence and has sought to place reliance on Annexure P/7 to show that earlier to this FIR, an FIR Annexure P/7 was got registered by the petitioner's family against the present complainant.

Learned State counsel assisted by learned counsel for the complainant has opposed the grant of bail on the grounds that the girl has been put to much harassment by the accused who happens to be pedophile and that in view of the animosity between the parties, the petitioner side has assaulted the complainant side and thus, disentitled him to any relief.

Going through the submissions, admittedly prior to the present FIR, FIR has been got registered by way of Annexure P/7 at the behest of the family of the petitioner. More-so a bare perusal of the allegations contained in the present FIR apparently it comes

out that the boy and the girl are trying to contact each other which is also reflective from the transcriptions of the SMS Annexures P/2 and P/3. In view of such a peculiar situation, the claim of the petitioner side that it is a case of counter-blast to their FIR is not ruled out. Nothing is to be recovered from the petitioner and joining of investigation will suffice the purpose.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days.

The present petition stands disposed of.

July 22, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No