

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

208

**CRM-M-19996-2020
Decided on : 15.10.2020**

Suraj Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Abhimanyu Singh, Advocate for the petitioner (s).

Ms. Deepshikha Chauhan, AAG, Haryana.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

Office has put up the scanned copy of the present case, on account of the fact that original case file could not be traced.

Accordingly, it is directed that office shall make all efforts to trace the original file.

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.160 dated 03.03.2020 under Sections 34, 354-A (2) 406, 420 and 506 IPC (later on Sections 34, 406, 420 IPC were omitted and Section 376 of IPC alongwith Section 4 of POCSO Act were added) registered at Police Station Bhiwani City, District Bhiwani.

Counsel for the petitioner has submitted that the petitioner is in custody since 06.03.2020 and the investigation is complete in as much as the challan has been filed and the case is now fixed for 19.10.2020 for framing of charge. It is submitted that allegations were also made against the co-accused Rajender, Narender, MD Anand and Satnam, who have now

been exonerated by the Investigating Agency. It is further submitted that it is a case allegedly where money was being invested with the family of the complainant, who was working with the petitioner and it was on that account the petitioner has been falsely implicated. It is also submitted that there are averments regarding investment of Rs.1,50,000/- by the father and family members, who are admittedly doing labour work like construction of road, digging wells, work in fields etc.

A perusal of the statement recorded under Section 164 Cr.P.C., of the victim, would go on to show that the allegations of sexual assault were stated to be done on 02.07.2019 and 04.07.2019, whereas the FIR was admittedly lodged on 03.03.2020.

The affidavit by Shri Virender Singh, HPS, Deputy Superintendent of Police, HQ, Bhiwani, has also been filed, in pursuance of the order dated 07.08.2020, to explain the exoneration of other co-accused. Reliance has been placed upon the call details of the other co-accused to submit that the correlation could not be established.

The allegations as such against the petitioner on the first occasion in the FIR were only of sexual harassment and, thus, seems to be apparent improvement by the complainant.

Accordingly, keeping in view the facts and circumstances of the present case, this Court is of the opinion that the petitioner has undergone sufficient detention and a case is made out for grant of regular bail. The trial is not likely to conclude in near future, in view of the Covid-19 situation.

Resultantly, the present petition is allowed. The petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqua Magistrate/Duty Magistrate, Bhiwani.

OCTOBER 15, 2020

Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No