

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

CRM-M-21511-2020
Date of decision: 19.8.2020

Irfan

.....Petitioner.

vs.

State of Haryana

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Abhimanyu Singh, Advocate, for the petitioner.

Mr. Rajneesh Chadwal, Assistant Advocate General,
Haryana.

Mr. Ram Bilas Gupta, Advocate, for the complainant.

.....

Sanjay Kumar, J. (ORAL)

The petitioner is one of the accused in FIR No. 274 dated 25.6.2020 on the file of Police Station, Sector 58, Faridabad, District Faridabad, registered under Sections 506 and 34 IPC and Section 6 of The Protection of Children from Sexual Offences Act, 2012 (for short, '*the POCSO Act, 2012*'). By way of this petition, he seeks grant of anticipatory bail.

As the case involves an offence under the provisions of *the POCSO Act, 2012*, the State was directed to file a reply.

Pursuant thereto, Dalbir Singh, Assistant Commissioner of Police, Mujessar, District Faridabad, filed a reply stating to the following effect: The petitioner is running a Madarsa in Dalip Colony, Faridabad, and the minor son of the complainant, aged about 16 years, used to go there for his studies. The petitioner is alleged to have sexually assaulted the complainant's minor son. A Panchayat

was convened and an assurance was given to the effect that the petitioner would not be seen in the locality and that he would not return to the area or undertake teaching of children at the Madarsa/Masjid. Under pressure, the complainant agreed to this arrangement. However, the petitioner returned to his house on 22.6.2020 and the complainant was subjected to harassment by the accused along with others. The accused threatened that they would cut the necks of the complainant and her minor son. The petitioner allegedly brandished a blade at this time. The petitioner along with his family members are absconding. According to the Assistant Commissioner, there is a possibility that other children were also sexually abused.

Mr. Abhimanyu Singh, learned counsel, would contend that the delay in the registration of the FIR should be taken into account and also the fact that the petitioner denied participation in a Panchayat and undertaking that he would leave home.

However, given the seriousness of the allegations levelled against the petitioner, involving sexual abuse of children who were in his trust and care, this Court is of the opinion that he would not be entitled to the indulgence of pre-arrest bail.

The petition is accordingly dismissed.

(SANJAY KUMAR)
JUDGE

19.8.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no