

Sr. No. 210

**I N THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-27313 of 2020 (O&M)
DATE OF DECISION : 15.09.2020**

Baltej Singh @ Gaggi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Bikramjeet Singh Jatana, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 25 dated 20.06.2020, registered under Sections 354, 354-A, 354-D, 451, 323, 506, 509 read with Section 120-B IPC and Sections 8, 10 and 12 of Prevention of Children from Sexual Offences Act, Police Station Women Dabwali, District Sirsa.

2. Per FIR, on 18.06.2020, the victim had gone to feed the animals along with her younger brother, when one Kali took her brother on the pretext of giving him ride. His accomplice Gaggi i.e. present petitioner started doing wrong acts with her; the petitioner teased the complainant with wrongful intention and in the process a scuffle took place between them. When complainant raised alarm, the petitioner ran away from the spot. It is further alleged that petitioner earlier also used to stalk the complainant and used to sit in front of her house. The victim apprehended danger to her life.

FIR was registered and the petitioner was arrested on 22.06.2020. He is in custody since then, while his co-accused, a juvenile, was granted the benefit of regular bail by Juvenile Justice Board.

2. Learned counsel submits that petitioner is a young boy of 21 years and he is in custody since 22.06.2020. According to him, the allegations against him, at worst, are only of eve teasing. According to him, the petitioner is not involved in any other case and his co-accused is on bail. He further submits that investigation of the case is over and challan has been filed, but there is no headway in the trial due to Covid-19 pandemic and trial will take long time to conclude.

3. Learned State counsel, on the other hand, opposes the bail plea. He submits that victim is just 16-17 years old. On a query of Court, he admits that investigation is over and challan has been filed, but there is no headway in the trial due to Covid-19 pandemic. He admits that petitioner is not having criminal background. According to him, petitioner cannot seek parity with co-accused who was attributed no overt act and is a juvenile. The petitioner does not, therefore, deserve concession of bail.

4. The petitioner is in custody since 22.06.2020. The allegations against the petitioner have to be adjudicated after the trial. At this juncture, I am of the opinion that no useful purpose would be served by keeping petitioner in custody any more, especially when investigation is over and trial is not likely to commence or conclude anytime soon in view of current pandemic scenario. The Courts are currently working with restrictions due to Covid-19 pandemic and are taking up only urgent matters.

5. Taking wholesome view of the matter and without expressing any opinion on the merits of the case, the petitioner is admitted to bail on his

furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. It is directed that the petitioner will not try to contact the victim or her family member(s) and will not make any kind of direct or indirect inducement to any witness(s) relating to the case. In case of any violation, the prosecution shall be at liberty to approach this Court for cancellation of bail, apart from taking alternative action against the petitioner.

6. Petition stands allowed accordingly.

September 15, 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No