

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

**CRM-M No.28461 of 2020
Date of Decision : 24.09.2020**

Ritesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Pratham Sethi, Advocate
for the Petitioner.

Mr. Anmol Malik, Dy. Advocate General, Haryana
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.237, dated 9th August, 2020, registered under Section 10 of the Protection of Children from Sexual Offence Act, 2012, at Police Station Murthal, District Sonapat.

2. The Petitioner was arrested on 10th August, 2020 and has remained in detention thereafter. In the meantime, Challan against him has already been presented after completion of investigation.

3. On the last date, this Court had sought to verify whether any marks of bite injury were seen on the person of the Petitioner as it was the specific case in the FIR that in trying to molest the Prosecutrix, the Petitioner had put his hand in her pant and started doing vulgar act, but that the Victim fled away from the room after biting on the Petitioner's hand.

4. The extracts from the Petitioner's MLR have since been sent up by Ld. State Counsel on WhatsApp today, from which it transpires that actually no fresh injury mark was found on his person. It is also a matter of record that no Medical Examination of the Prosecutrix was conducted ostensibly because it was admittedly not a case of any penetrative sexual assault.

5. In the given circumstances, further detention of the Petitioner for an indefinite period is not called for as he is no longer required in the interest of investigation, and on account of the on-going Covid-19 Pandemic there is little possibility of an expeditious completion of Trial. At this stage, therefore, the Petitioner is ordered to be released on bail to the satisfaction of the Ld. Trial Court/Duty Magistrate Concerned.

6. However, the State Authorities/Complainant's side would be at liberty to apply for cancellation of bail in the event of any pressure, threat or inducement coming to them from the Petitioner's side.

7. Disposed off.

September 24, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No