

In virtual Court

CRM-M-32802-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32802-2020 (O&M)
Date of decision: 28.10.2020

Aashu Pal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.119 dated 29.06.2020 under Sections 354, 354-A, 354-D, 341, 323, 201, 506, 34 IPC, Section 66E of I.T. Act and Section 8 of POCSO Act, registered at Police Station Bilaspur, District Yamuna Nagar.

Learned counsel for the petitioner relies upon the order dated 24.09.2020 passed in CRM-M-28376-2020, vide which regular bail has been granted to co-accused Sagar. The operative part of this order is reproduced as below: -

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of victim-complainant ('S' name withheld), she is 19 years of age and has appeared in Class

12th examination. It is stated that co-accused Rishipal was following her for the last many days and used to tease her, whenever she used to go in the street. Earlier she informed her mother about the incident, who made accused Rishipal to mend his ways, but he did not improve. On 26.06.2020 at about 10.00 a.m., when she, after dropping her nephew for tuition, was returning back and reached near the house of another accused Ashu, in the village street, Rishipal wrongly confined her and started teasing her. He started touching her breast and caught hold of her hands and started abusing her. He even tried to outrage her modesty. When she tried to escape from his clutches, he even gave slaps and fist blows and also caught hold of her head and banged it on the wall. In the meantime, co-accused Ashu along with one other boy, who were standing on the roof of house of Ashu, started making video in the mobile phone and also abused her, as they were supporting Rishipal. Later on, Rishipal threatened her that he will commit suicide by naming her in the suicide note and further threatened that he will make the video viral to defame her. Thereafter, the police registered FIR under Sections 354, 354-A, 354-D, 341, 323, 201, 506, 34 IPC and Section 66E of I.T. Act.

The statement of the victim under Section 164 Cr.P.C. was recorded, in which she reiterated the version given in the FIR and also named the petitioner as the boy, who was standing along with co-accused Ashu. In her statement, she further stated that

Rishipal was harassing and teasing her for the last many days and therefore, Section 8 of POCSO Act was also added.

Learned counsel for the petitioner has argued that the petitioner was not named in the FIR and later on, named by the victim as the person, who was standing with co-accused Ashu and was making video. It is further submitted that primary allegations against the petitioner are under Section 66 of I.T. Act and the petitioner is in custody since 05.07.2020; challan stands presented and he is no more required for further investigation. It is also submitted that the petitioner is a young boy aged about 21 years; he is not a previous offender and it is a matter of trial whether he was present at the spot or not.

Learned State counsel could not dispute the factual position, however, submits that name of the petitioner surfaced in the statement of victim recorded under Section 164 Cr.P.C.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances and allegations against the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.”

Learned counsel for the petitioner submits that the petitioner was also arrested on 05.07.2020; challan stands presented on 24.09.2020 and it will

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take some time in conclusion of the trial, as the charges are yet to be framed.

Learned State counsel could not dispute the fact that the petitioner was present with co-accused Sagar, who was making the video.

After hearing learned counsel for the parties, without commenting anything on merits of the case, considering aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.10.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No