

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-33146-2020 (O&M)
Date of Decision:-2.12.2020

Gaurav @ Rajat

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Karan Sharma, AAG, Haryana,
assisted by ASI Mukesh Kumari.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.147 dated 18.9.2020 at Police Station Partap Nagar, District Yamuna Nagar under Section 8 of POCSO Act.
2. The FIR was lodged at the instance of Meena, wherein it is alleged that on 8.9.2020 at about 5:00 PM when her daughter aged 17 years was sweeping in the street, then Gaurav came there, who caught hold of her from her arm with bad intention and teased her. The complainant's daughter immediately fled inside the house and disclosed about the same to her family.

3. The learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner basically as a counter blast to the FIR which was lodged at the instance of petitioner's sister against sons of the complainant. The learned counsel has submitted that the said FIR lodged at the instance of petitioner's sister i.e. FIR No.145 dated 16.9.2020 (Annexure P-4) under Sections 323, 452 and 34 of Indian Penal Code at Police Station Partap Nagar, District Yamuna Nagar pertains to allegations to the effect that Sachin and Sahil have hurled abuses and manhandled the petitioner's sister. It has been submitted that subsequently in order to create defence the instant FIR has been lodged in respect of an incident stated to have taken place at 5:00 PM on 18.9.2020, although the FIR was lodged after about 10 days of the alleged occurrence, which would clearly show that a concocted version has been put forth.
4. Opposing the petition, the learned State counsel has submitted that since the incident mentioned in FIR No.147 dated 18.9.2020 (Annexure P-1) is stated to have taken place at 5:00 PM and the incident mentioned in FIR No.145 dated 16.9.2020 (Annexure P-4) had taken place at 5:30-6:00 PM, it is evident that the incident mentioned in FIR No.145 dated 16.9.2020 was on account of the fact that the complainant's daughter had been teased.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the allegation levelled in the FIR is to the effect that the petitioner had caught hold of the victim from arm and had teased her and that while also noticing that there is a delay of 10 days in lodging the FIR, which would put the Court at caution as the FIR could infact had been lodged as a counter blast to the FIR No.145 dated 16.9.2020

(Annexure P-4), the petition merits acceptance and is hereby accepted. It is ordered that the petitioner, in the event of his arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

2.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No