

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

104+211

**CRM-M-321-2021 (O&M)
Date of Decision:12.03.2021**

NIKHIL

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Jaiswal, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana
assisted by ASI Amlesh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-7577 of 2021

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures A-1 to A-3.

CRM-M-321-2021

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.656 dated 09.12.2020 at Police Station City Palwal under Sections 342, 323, 354-A, 354-D, 506 and 511 IPC read with Section 34 IPC and Section 10 of POCSO Act.
2. The FIR was lodged at the instance of the prosecutrix wherein it is alleged that on 06.12.2020, when she was sleeping in her house, her

neighbours Nikhil and Anuj hurled stones at her house for harassing her and were calling her on mobile phone again and again and started talking in an objectionable manner. Although she tried to restrain them but to no avail and they rather threatened that they would take her obscene photographs and defame her. It is alleged that the complainant in order to counsel the aforesaid two accused opened the door but they forcibly dragged her to their house and when the complainant raised alarm her mother came to the spot and rescued her. It is further alleged that the accused have conducted themselves in a similar manner on earlier occasions with some other girls as well.

3. Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and that falsity would be evident from the fact that when the complainant made a statement before Child Welfare Commission, she gave a clean chit to Anuj and on account of which he was kept in Column No.2 and challan was filed only against the petitioner. It has further been submitted that the prosecutrix has compromised the matter even with the petitioner and she as well as her parents have furnished affidavits in this regard i.e. Annexures A-1 to A-3.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. Learned State counsel has also referred to the reply filed by the State accompanied by the call details which shows that the petitioner had sent several sms/messages to the complainant and has also

made two calls to the prosecutrix on 05.12.2020.

5.I have considered rival submissions addressed before this Court.

6. A perusal of the call details would reflect that apart from his two calls made on 05.12.2020, a large number of sms/messages have been exchanged between the petitioner and the prosecutrix. Even the prosecutrix has sent a large number of messages to the petitioner, in fact on 04.12.2020 even she has made a call to the petitioner. In any case, since the matter is stated to have been compromised and the petitioner has been behind bars since the last about 3 months and challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

12.03.2021

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