

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

212

CRM-M No.703-2021

Date of decision:16.03.2021

Akash

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Munish Behl, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.72, dated 04.08.2020 registered under Section 10 of The Protection of Children from Sexual Offence Act, 2012, at Police Station Women Police Station Ambala, District Ambala.

FIR was registered against the petitioner on the complaint of his wife with the allegation that during the night on 03.08.2020, the petitioner after consuming liquor outraged the modesty of one of their minor daughters.

Counsel for the petitioner has submitted that the statements of the prosecutrix as well as the complainant have been recorded in Court,

wherein they have outrightly denied any such incident. By referring to the deposition of the prosecutrix, counsel submits that in her cross-examination, she has categorically said that she had made accusation against her father in the statement under Section 164 Cr.P.C. on the asking of the police and the alleged incident never took place. The complainant in her cross-examination has denied that she had submitted any complaint on the basis of which the FIR has been registered. Still further, counsel submits that the FIR was registered by the wife of the petitioner because the relations between the petitioner and his wife-complainant were strained.

Per contra, learned State counsel, upon instructions from ASI Suman, has opposed the petition. He submits that in the complaint as well as in the statement under Section 164 Cr.P.C. specific allegation has been levelled against the petitioner, though he could not deny the fact that in their deposition before the Court, both the complainant and the prosecutrix did not support the accusation.

I have considered the rival submissions of the parties.

From the examination of the testimony of the prosecutrix and her mother-complainant, the involvement of the petitioner in the offence is debatable.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offences and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the

petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

16.03.2021
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No