

211

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

CRM-M No. 2194 of 2021 (O&M)
Date of Decision: 05.03.2021

Pargat Singh

-Petitioner

Vs

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Raman Chawla, Advocate,
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Sushil Kumar Sharma, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.573 dated 16.09.2020 under Sections 377, 506 IPC, under Section 6 of Protection of Children from Sexual Offence Act and under Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station Assandh, District Karnal.

In compliance of order dated 21.01.2021, learned counsel for the petitioner has placed on record true copy of MLR of the victim.

As per the opinion, the doctor has found that no injury was seen on anal sphincter except redness on upper part of the same. The doctor at the end gave opinion that possibility of sodomy cannot be ruled out.

Father of the victim has already given an affidavit denying the occurrence so far as involvement of the petitioner is concerned.

Second accused i.e. Karan has already been granted bail by the Principal Magistrate, Juvenile Justice Board.

Petitioner is in custody since 18.09.2020.

Factum of compromise has been admitted by learned counsel for the complainant.

Learned State counsel on the other hand opposed the bail on the ground that the minor has raised specific allegations against the petitioner in his statement recorded under Section 164 Cr.P.C.

Petitioner along with juvenile committed heinous offence with the minor who was aged 12 years at the time of offence.

At this stage, keeping in view the medical opinion and unwillingness of the complainant to pursue the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

05.03.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No