

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

229

**CRM-M-12970-2021
Decided on : 02.09.2021**

Balinder

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Pratap Singh, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by Insp. Satyapal.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 337, dated 15.12.2020, under Section 452 of IPC and Section 8 of the POCSO Act, 2012 (later on added Sections 323, 506 of IPC), registered at Police Station Narwana Sadar, District Jind, Haryana.

At the outset, learned counsel for the petitioner has submitted that there was a family dispute between the petitioner and the father of the victim, who happen to be first cousins. It was in this background on account of some misunderstanding, the FIR in question was got lodged, wherein, allegations were levelled against the petitioner of trying to catch hold of the hand of the victim. Learned counsel has further submitted that however subsequently he misunderstanding between the cousins i.e. the father of the victim as well as the petitioner stands removed. In support of his submissions, learned counsel for the petitioner referred to Annexures P-2, P-3 & P-4, respectively, wherein, the said fact clearly stands reflected. Learned counsel, while inviting the attention of this Court to the statement of the victim recorded under Section

164 Cr.P.C., has submitted that even therein it clearly stands reflected that there had been a quarrel between the father of the victim as well as the petitioner, wherein, the former was inflicted a simple injury by the petitioner.

Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from Insp. Satyapal, has apprised the Court that charges have since been framed and the prosecution evidence is due to commence from 15th September, 2021. She has, however, not been able to controvert the factual aspect of the submissions so made by learned counsel for the petitioner *qua* the role attributed to him by the victim in the FIR as well as in her statement recorded under Section 164 Cr.P.C.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 17th December, 2020, I deem it a fit case for grant of the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 02, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*