

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

212

CRM-M-17519-2021

Date of Decision: 28.06.2021

Pradeep @ Golu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rohit Mittal, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Sharda Devi.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.70 dated 03.12.2016 at Women Police Station Narnaul, District Mahendargarh, under Sections 452/506 IPC and 12 of the POCSO Act.
2. The FIR in question was lodged at the instance of the victim, aged about 16 years, wherein it has been alleged by her that the petitioner has been chasing her since several days and has been making indecent gestures and also used filthy language. It is alleged that on 26.11.2016, when she was going for tuition, he forcibly held her hand. It is further alleged that on 27.11.2016 at about 9 PM, when she went to the roof to urinate, then the

petitioner forcibly pressed her mouth and touched her neck and breast and tried to drag her. However, when the victim raised alarm, her parents were attracted to the spot and thereafter the petitioner fled away from the spot.

3. Learned counsel for the petitioner has submitted that, in fact, it is a case where the petitioner and the victim were friends, but when the said friendship came to the notice of the parents of the victim, they forced the victim to make a statement against him. It has further been submitted that even as per the allegations levelled in the FIR, the petitioner is stated to have merely held the victim from her hand while she was going to tuition and had once touched her when she went to the roof of her house.
4. Opposing the petition, learned State counsel has submitted that keeping in view the serious nature of allegations and the fact that the petitioner is specifically named in the FIR, no case for grant of bail is made out. Learned State counsel has also informed that the petitioner has earlier been declared a Proclaimed Offender and that the petitioner has now been behind bars since the last more than 9 months. It has also been informed that although the charges were framed on 29.10.2020, but till date none of the PW out of the cited 14 PWs has been examined. Learned State counsel has informed that the petitioner happens to be involved in one more case registered under Sections 506/201 IPC.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the facts and circumstances of the case and the nature of allegations and while noticing that the petitioner has been behind bars since the last about 9 months and till date not even a single PW has been examined, it is apparent that the trial in its normal course is likely to consume time for its conclusion. In these circumstances, further detention of the petitioner would not be justified. 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.

28.06.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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