

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-18268-2021 (O&M)

Date of Decision:- 20.5.2021

Anil

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harish Bhardwaj, Advocate, for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana,
assisted by ASI Parveen.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.31, dated 26.1.2021, Police Station City Gohana, District Sonapat, under Sections 354-A and 354-D IPC and Section 12 of POCSO Act.
2. The FIR was lodged at the instance of Rimpay wherein it is alleged that her daughter aged about 11 years (victim) studies in 5th standard and that on the day of occurrence i.e. on 26.1.2021 her daughter

along with two other girls from the neighborhood were playing on roof of their house. It is alleged that the petitioner who is residing as a tenant in the neighboring house made obscene gestures with his eyes and hands towards complainant's daughter from the roof of his rented accommodation and stated "*Gudiya come to me in my room*". It is alleged that the complainant's daughter and other two girls came down from the roof and that the petitioner tried to forcibly open the gate and when the complainant's daughter raised alarm he ran away from the spot.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that the falsity would be evident from the fact that when the victim as well as the complainant were examined during the proceedings of trial they did not support the case of prosecution at all.
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 however, informed that the petitioner has been behind bars since the last more than 3 months and that he is not wanted in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner has been behind bars since the last more than 3 months and that the star witnesses including the complainant have not supported the case of the prosecution, no useful purpose would be served by detaining the petitioner behind bars any longer. The petition, as such, is accepted

and the petitioner is ordered to be released on bail subject to his
furnishing bail bonds to the satisfaction of learned trial Court/Chief
Judicial Magistrate/Duty Magistrate concerned.

20.5.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No