

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

247

CRM-M-25295-2021(O&M)

Decided on : 31.08.2021

SATPAL

. . . Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Jai Vir Yadav Sr. Advocate
with Mr. Rishipal Singh, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG Haryana
SI Pawandeep Kaur.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.0225, dated 18.04.2021 under Sections 8 of the POCSO Act and Section 452 of the IPC registered at Police Station Krishna Gate, Kurukshetra.

Learned Senior counsel contends that there is no material on record to connect the petitioner with the crime in question. He further submits that neither in the FIR in question, which was lodged on 18.04.2021 nor in the statement of the victim recorded under Section 164 Cr.P.C., on

19.04.2021, the name or description of the culprit was given except that the victim in her statement recorded under Section 164 CrPC stated that she would be in a position to identify the culprit in case he was brought before her.

Learned Senior counsel has submitted that there is a history of animosity between the complainant and the petitioner, as just a few days prior to the alleged occurrence, an application dated 02.04.2021 had been given by the petitioner to the District Town Planner, Thanesar (Kurukshetra) for obtaining permission to construct his house on plot No.50 in the same colony and same manner as had been accorded to the complainant by the Sarpanch. Learned Senior counsel has submitted that since the permission granted by the Sarpanch was against the Rules and the colony where the complainant had constructed the house was an unauthorized colony, the Sarpanch and the complainant colluded with each other and planted this case on him to exert pressure for withdrawal of the said application. Learned Senior counsel submits that it is thus very evident that a false and fabricated case has been planted upon the petitioner more so when no name or description of the culprit had been given either by the complainant or victim. He further submits that it does not appeal to prudence as to why the accused-petitioner, would have in the aforementioned background, gone by himself to the complainant and that too after two weeks of the alleged occurrence to confess his guilt in the alleged crime and beg apology.

It has been submitted by the learned Senior counsel that the petitioner has been in custody since 02.06.2021 and only challan stands

presented, hence there is no likelihood of the trial concluding any time in the near future.

Per contra, learned State counsel while opposing the prayer and submissions of the learned Senior counsel for the petitioner on instructions from SI Pawandeep Kaur has invited the attention of this Court to the reply filed by way of an affidavit of Narender Singh, HPS, DSP City Kurukshetra. She submits that no doubt that the FIR was registered against unknown person and even in her statement recorded under Section 164 CrPC, the victim had neither given the details nor any description of the culprit, who allegedly indulged in inappropriate behaviour with her but she had stated that if the culprit is brought before her, she would be in a position to identify him. Learned State counsel has further submitted that on 2nd May 2021, the petitioner had in fact gone to the house of the complainant himself and apologized for misbehaving with her daughter and there was a video clip prepared by the complainant to the said effect.

However, learned Senior counsel has vehemently controverted the submissions of the learned State counsel and submitted that the alleged video clip of the petitioner apologizing to complainant is of no consequence at this stage and the authenticity of the same is a matter to be considered at the time of trial as evidence of this nature has to be proved as per provisions of Section 65-B of the Evidence Act.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case to extend the concession of bail to the petitioner,

as the trial is unlikely to conclude in the near future. 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 contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 31, 2021
S.Sharma(syr)

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