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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M-33905 of 2021

Date of decision : August 27, 2021

Ashok

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Mahavir Singh, Advocate
for the petitioner.

Mr. Karan Garg, AAG., Haryana.

(Through Video Conferencing)

Harsimran Singh Sethi, J (oral).

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No. 44 dated 02.07.2020 for the offences under Sections 6 and 18 of the Protection of Children from Sexual Offences Act, 2012 and Section 506 IPC, 1860 at Women Police Station, Rohtak, District Rohtak.

Learned counsel for the petitioner argues that the petitioner was falsely implicated in the present case with the allegation that petitioner groped the prosecutrix for the reason that the mother of the prosecutrix was living with the petitioner and a child has also been born out of the said relationship and in fact the present allegation has been alleged with motive to harass the petitioner on the asking of the complainant, who is the father of the prosecutrix.

Learned counsel for the petitioner further submits that the prosecutrix already been examined and even the father of the prosecutrix

who is the complainant has also been examined and therefore, as the trial is likely to take some time before it concludes, no useful purpose will be served in keeping the petitioner behind the bars, especially when the allegations alleged against the petitioner are yet to be proved in the court of law.

Learned counsel appearing on behalf of the respondent-State submits that the allegations in the present FIR against the petitioner are of molesting a minor. Learned State counsel concedes that the prosecutrix as well as the complainant who is the father of the prosecutrix, are the material witnesses and have already been examined.

I have heard the counsel for the parties and have gone through the record of the case with their able assistance.

The petitioner is behind bars since 03.07.2020 and the prosecutrix and the complainant have already been examined. The allegations alleged against the petitioner are yet to be proved in the court of law and the trial is likely to take some time before it concludes.

Keeping in view the facts and circumstances of the present case, as learned counsel for the petitioner has undertaken before this Court that in case the petitioner is granted the benefit of regular bail, the petitioner will maintain a good conduct while on bail and will not influence either the witness or trial in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner

will not influence the trial in any manner and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

August 27, 2021
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No