

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205)

CRM-M-30530 of 2020

Date of Decision: 07.01.2021

Keshav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. S.K. Panwar, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail', upon FIR no.61, dated 02.06.2020, having been registered at Police Station Women, Ballabgarh, District Faridabad, alleging therein the commission of offences punishable under Section 506 of the IPC and Section 8 of the Protection of Children from Sexual Offences, Act, 2012.

Learned counsel for the petitioner submits that even as per the CCTV footage relied upon by the investigating agency, the complainants' daughter (the alleged victim) was only seen to be following the petitioner, with the girl stated to be a mentally retarded child.

Learned State counsel on the other hand submits that as per the FIR the petitioner actually physically touched her in the manner described in the FIR (not being specifically detailed in this order) and that the victim being a 14 year old girl, who is a mentally retarded child, the petitioner does not deserve to be admitted to bail.

He also points to the affidavit filed by the ACP, Crime Against

Women, District Faridabad, dated December 30, 2020, along with which a certificate showing that the complainants' daughter is suffering from mental illness, has been annexed; as also a statement made by the complainant, i.e. the mother of the girl, before the learned JMIC concerned, as regards the incident.

Upon query, he submits that as per his instructions, there is no other criminal case registered against the petitioner and that the charges have been framed against him, with prosecution witnesses to be examined on 04.02.2021.

Looking at the period of custody alone (about 6 ½ months) and the fact that there is no other criminal case pending against the petitioner, though otherwise it would be a heinous offence especially if the victim is mentally retarded, however, looking also, at this stage only for the purpose of this petition, the fact that as regards the CCTV footage at least it is not stated to show any actual physical contact, the present petition is allowed, with the petitioner ordered to be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate concerned.

It is made absolutely clear that the aforesaid observations of this court shall not be treated in any manner to be an actual observation on the merits of the case, which would naturally be gone into by the trial court wholly on the basis of evidence led before it.

07.01.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No