

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: January 25, 2021

1. CRM-M-30995-2020

Parveen

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-39446-2020

Nakul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravi Kant Sharma, Advocate,
for the petitioner in CRM-M-30995-2020.

Mr. Pawan Kumar Hooda, Advocate,
for the petitioner in CRM-M-39446-2020.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Rajnikant Upadhyay, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed separate petitions under Section 439

Cr.P.C. for grant of regular bail, pending trial in case FIR No.147 dated

18.03.2020, under Sections 341, 354-A, 506, 34 IPC, 1860 and Section 10 POCSO Act, 2012, registered at Police Station, Sadar Sonipat, District Sonipat. Petitioner-Parveen is in custody since his arrest on 10.05.2020, whereas petitioner-Nakul is in custody since 18.03.2020.

The allegations contained in the FIR, as noticed by the Additional Sessions Judge, Sonapat in her order dated 07.08.2020, are as under:-

“On 18.03.2020 complainant Sunil Kumar arrived in the police station and presented an application alleging therein that the age of her daughter/victim is 11 years and 6 months. On 7.4.2019 her daughter had gone to take water from the gher of his uncle Dayanand and in the way, Ronak son of Lachhman and Nukul son of Phoola of their village blocked the way of his daughter and sexually assaulted her and threatened his daughter that if she narrated this incident to any one, they would kill her. On 25.12.2019, at about 5.30 p.m. Her daughter was returning home after studying the tuition, then Ronka, Parveen son of Krishan and Nukul intercepted her way by stopping their motorcycle in front of the bicycle of his daughter and they sexually assaulted his daughter and also threatened with dire consequence. They also put the mobile number in the bag of victim by writing on the paper and asked victim to contact from mobile no.8168434435 to their mobile nos.8930270560 and 9991906655. Thereafter, Ronka, Parveen and Nukul sent wrong messages to the mobile number of his daughter. Thereafter, Kacha who is the friend of the aforesaid accused also sent wrong messages to her mobile number. On 15.03.2020, his daughter had gone to fair of Shitala Mata, all the aforesaid four boys eve tease with his daughter. He prayed for taking legal action against the culprits.”

Learned counsel for the petitioners have contended that the alleged incidents of teasing the daughter of the complainant took place long

back and the complaint was given by him on 18.03.2020, whereupon the FIR was registered. It is pointed out that as per the allegations, the accused persons had sent various obscene messages to the girl, but as per the FSL, no such data was received from the mobile phones of the accused as well as of the victim. They have referred to the status report filed by way of affidavit of Vipin Kadian, HPS, Deputy Superintendent of Police, Sonipat. According to them, the investigation of the case is complete, but the trial is yet to commence, therefore, seek regular bail.

The prayer is opposed by the learned counsel appearing on behalf of the complainant as well as learned State counsel, assisted by SI Krishan. It is contended that the victim is twelve years old and there is every likelihood that the boys would again indulge into the same activity. It is not disputed by the learned State counsel that the investigation of the case is complete. According to him, the challan was filed on 15.05.2020, but the charges have not been framed so far.

After hearing the learned counsel for the parties, this Court finds that the challan in this case was filed on 15.05.2020, but the trial is yet to commence, therefore, considering the custodial period of the petitioners, this Court does not find any reason to decline the prayer. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial, therefore, the further detention of the petitioners may not serve any useful purpose, who are presently confined in judicial custody.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail

bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate,
Sonipat.

January 25, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

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