

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

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IN VIRTUAL COURT

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**CRM-M No. 31323 of 2020
Date of decision : 10.2.2021**

Jagparvesh

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Abhimanyu Singh, Advocate, for the petitioner

Mr. Rohit Arya, DAG, Haryana

Rajbir Sehrawat, J. (Oral)

This second petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.73 dated 16.5.2020, registered under Sections 354A, 506 IPC and Section 8 of The Protection of Children from Sexual Offences Act, 2012, at Police Station Baund Kalan, District Charkhi Dadri.

It is submitted by the counsel for the petitioner that there is absolutely no evidence against the petitioner. Although the complainant had stated that her daughter was taken by the petitioner to a plot by giving her the chocolate, however, the complainant has not alleged to have seen the petitioner doing anything wrong to the alleged victim. Even the mother-in-law of the complainant only says that she had seen the daughter going with the petitioner. However, the statement made by the alleged victim under Section 164 Cr.P.C. totally negates any wrong doing by the petitioner. On the contrary, the alleged victim has stated in that statement that she was given chocolate by the

petitioner, she ate the same and; thereafter, nothing wrong was done to her by the petitioner. Hence, the complaint made by the complainant, though otherwise also without any basis, has been totally negated by the alleged victim. The petitioner has been in custody for the past about 9 months, without any effective proceedings being undertaken by the prosecution. Even the charges have not been framed against him so far.

On the other hand, it is submitted by the counsel for the State that the petitioner is involved in a very serious crime because the age of the alleged victim is only 6 years. The complainant has specifically stated in the FIR that on seeing her, the petitioner had run away from the spot. However, it is not disputed that in the statement under Section 164 Cr.P.C. the alleged victim has denied any wrong doing on the part of the petitioner despite the fact that the said statement was recorded in the presence of the complainant herself. It is also not disputed that even charges have not been framed against the petitioner; and that he has been in custody for about 9 months now.

In view of the above, but without commenting any further on merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail/surety bond to the satisfaction of the concerned Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

10.2.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No