

Sr.No.201

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

CRM-M-No.38315 of 2020

Date of decision:18.02.2021

Naresh

... Petitioner(s)

versus

State of Haryana

... Respondent(s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. DPS Bajwa, Advocate
for the petitioner.
Mr. Naveen Singh Panwar, DAG, Haryana.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C for grant of regular bail in FIR No.151 dated 21.06.2020 registered under Sections 452, 506, 34 IPC and Sections 6 and 12 of POCSO Act, 2012 at Police Station Uchana, District Jind.

As per the allegations contained in the FIR which was registered on the statement made by one Jaiveer Singh son of Rati Ram by alleging that from the last so many days Dev son of Inshwar resident of Village Mator and another person namely, Kala @ Naresh (petitioner) son of Mahabir were harassing his minor daughter by coming to their house both at morning and at evening time.

Learned counsel for the petitioner has submitted that in the present case the petitioner was falsely implicated and the allegations are only with regard to harassing the daughter of the complainant. He has further

submitted that the petitioner is in custody since July, 2020, charges in the present case have already been framed. He has further submitted that charges under Section 6 of POCSO Act have not been included in the charges whereas Section 12 of the POCSO Act was added and maximum punishment under it was three years. Petitioner is already in custody for more than seven months. He has further submitted that petitioner is not involved in any other case and even the other co-accused namely, Dev son of Inshwar has already been granted bail by the learned Juvenile Court.

On the other hand, learned State counsel on instructions from SI Ravinder Kumar has submitted that it is correct that the petitioner is in custody since July, 2020 and charges under Section 6 of POCSO Act have not been framed against the petitioner and rather charges under Section 12 of POCSO were made and maximum punishment under it was three years. He has further submitted that it is correct that the petitioner is not involved in any other case. Learned State counsel has further submitted that as per the FSL report when the medical examination was conducted no human semen was found.

Keeping in view the above facts and without expressing any opinion on the merits of the case, the present petition is allowed. After considering the totality of the circumstances of the case, this Court is of the considered opinion that it would be in the interest of justice, to admit the petitioner to bail. Petitioner is granted the concession of regular bail. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

18th February, 2021

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No