

In virtual Court

CRM-M-2080-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2080-2021 (O&M)

Date of decision: 14.07.2021

Rishi Pal @ Rishi Kant

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Nand Lal Sammi, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-19969-2021

For the reasons stated in the application, same is allowed.

Annexure P-3 is taken on record and exemption sought is granted.

CRM stands disposed of.

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This is 2nd petition for grant of regular bail in FIR No.119 dated

29.06.2020 under Sections 354, 354-A, 354-D, 341, 323, 34, 506 IPC, Section 66-E of I.T. Act and Section 8 of POCSO Act (added later on), registered at Police Station Bilaspur, District Yamuna Nagar; earlier one was dismissed as withdrawn on 24.09.2020.

Learned counsel for the petitioner submits that new ground for filing this second petition is that now statement of the victim has been recorded, which is placed on record as Annexure P-3. It is further submitted that the FIR was registered at the instance of victim 'S' (name not disclosed), stating that she is 19 years of age and has given examination of 12th class. It is further stated that the petitioner used to come after her for the last many days and teased her, while she used to go in the street. The victim informed this fact to her mother, who tried to make the petitioner understand, but he did not mend his ways. On 26.06.2020, when the victim gone to leave her nephew to attend the tuition and was returning home, near the house of co-accused Ashu, the petitioner came and wrongfully confined her and started teasing her. He tried to touch her breast and caught hold of her hand and started abusing her. It is further stated that the petitioner tried to outrage her modesty and when she tried to rescue herself, he gave her slaps and kick blows. It is also stated that co-accused Ashu was standing on roof of his house and he recorded the incident and both of them abused her, as he was supporting the petitioner. Thereafter, on receiving the information, FIR was registered and statement of the victim was recorded under Section 164 Cr.P.C. The police, during the investigation, took into possession photographs of the incident and pen drive of the video, which was recorded by

co-accused Ashu.

Learned counsel for the petitioner further submits that co-accused Ashu has already been released on bail and the petitioner was implicated in this case being member of Panchayat, as victim's brother was also member of Panchayat and they had some rivalry in the village. It is also submitted that now statement of the victim has been recorded and in her statement, she has stated that her date of birth is 06.04.2002 i.e. 18 years and 02 months, on the date of incident i.e. 26.06.2020, therefore, it will be a matter of trial, whether charge under Section 8 of POCSO Act is proved against the petitioner or not. It is next submitted that the petitioner is in custody for the last 11 months and 29 days i.e. about 01 year and is not involved in any other case and since statement of the victim has already been recorded, there is no possibility of extending any threat or tempering with the prosecution evidence.

Learned State counsel has filed the custody certificate dated 13.07.2021 in the Court today and has not disputed the factual position, however, it is submitted that since allegation against the petitioner is that he was teasing the victim for the last 5-6 months, that is why, Section 8 of POCSO Act was added.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last about 01 year; he is not involved in any other case and statement of the victim has already been recorded, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his

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bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

14.07.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No