

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

CRM-M-52694-2021

Date of Decision: 21.12.2021

Vishal

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sanjeev Kumar, Advocate for the petitioner.
Mr. Naveen Singh Panwar, DAG Haryana.

* * *

VIVEK PURI, J. (ORAL)

Custody certificate has been placed on record.

The petitioner has prayed for grant of regular bail in case FIR No.147 dated 23.04.2021, under Sections 323, 452 IPC, 1860 and Section 8 of POCSO Act, registered at Police Station Kunjpura, District Karnal, Haryana.

Briefly, the allegations against the petitioner are to the effect that on 23.04.2021 at about 4.30 P.M., the petitioner visited the house of the complainant, who was working as an Electrician and was away from the house. The daughter of the complainant, aged about 16 years, was alone in the house and the petitioner switched off the lights, dragged her inside and outraged her modesty.

Learned counsel for the petitioner contends that the petitioner is in custody for the last 07 months and 19 days, not involved in any other case, investigation of the case is complete and challan has already been presented in the Court. Furthermore, the petitioner has been falsely implicated as he had visited the house of the complainant for the purpose of some electric repair work to be done where the scuffle took place. The petitioner has sustained injuries and his medical examination was conducted on 26.04.2021.

Learned State counsel has opposed the bail application on the

score that MLR is subsequent and is not co-related with the occurrence.

It is no doubt true that the MLR has been recorded on 26.04.2021 and there are minor injuries but the duration of injuries has been stated to be within 72 hours and furthermore, the history given is the physical assault on 23.04.2021 at about 3.30 P.M. The custodial interrogation of the petitioner is over, he is in judicial custody, investigation of the case is complete and he is not involved in any other case.

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, 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 concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

21.12.2021

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No