

229 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6118-2022

Date of Decision: 12.05.2022

SACHIN

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Pawan Kumar Hooda, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI, J.(ORAL)

Custody certificate has been placed on record.

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.123 dated 12.05.2021 under Section 365 IPC, later on added Sections 120-B/344/379 IPC and Sections 10/12 of POCSO Act and Sections 75/84 of Juvenile Justice Act registered at Police Station HSIDC Barhi, District Sonipat.

Briefly, the case has been registered on the basis of the statement of maternal uncle of the victim alleging that the victim went missing from the house on 12.05.2021.

Learned counsel for the petitioner contends that the victim was recovered on 03.10.2021 from the custody of Rajiv Sharma and his wife Sonia. In her statement under Section 164 Cr.P.C., she has not levelled any allegation with regard to cruelty meted out to her against the petitioner. The allegations with regard to kidnapping and taking the victim to various places and cruelty have been levelled against Rajiv Sharma and Sonia. Furthermore, there is no allegation to the effect that the petitioner ever forced the victim to enter into any illegal or immoral activity. The only

allegation against the petitioner is to the effect that on one day, he had touched her in an inappropriate manner. The petitioner is in custody for a period of 06 months and 25 days and not involved in any other case. Furthermore, the statement of the victim has been recorded in the trial Court.

Learned State counsel has mainly opposed the bail application on the score that the victim is aged about 13 years.

Be that as it may, the only allegation against the petitioner is to the effect that he had outraged the modesty of the victim. The other substantial allegations have been levelled against the co-accused, namely, Rajiv Sharma and Sonia. Furthermore, the statement of the victim has been recorded in the trial Court and as such, it cannot be said that the petitioner can make any attempt to win over the witness. The petitioner is in custody for a period of 06 months and 25 days and not involved in any other case.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without commenting anything on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

12.05.2022
smriti

(VIVEK PURI)
JUDGE

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