

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

**CRM-M-12164-2022
Date of Decision: 28.03.2022**

**BHRAMPARKASH AND ANOTHER ... PETITIONERS
V/S
STATE OF HARYANA ... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gautam Dutt, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Abhimanyu Kalsi, Advocate for the complainant.

* * *

VIVEK PURI, J. (ORAL)

Custody certificate has been placed on record.

Petitioners have prayed for grant of regular bail in case bearing FIR No.409 dated 28.11.2021, under Sections 120-B, 452 and 506 IPC (added later on Sections 354, 384, 341 IPC) and Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 10 of Protection of Children from Sexual Offences Act, registered at Police Station Gannaur, District Sonipat.

Briefly, the FIR has been registered on the basis of the statement of the victim alleging that on 27.11.2021 at about 10.30 P.M. petitioner No.1 gained forcible entry in her house, outraged her modesty, advanced obscene gestures and also molested her mother. Petitioner No.2 was also in league with him.

Learned counsel for the petitioners state that though the FIR was registered under Section 120-B, 452 and 506 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

and Section 10 of Protection of Children from Sexual Offences Act, however, in terms of the order dated 01.02.2022, it has been observed by the Court of learned Addl. Sessions Judge that the offence under Section 8 of the Protection of Children from Sexual Offences Act is not made out. Although, in the order dated 09.03.2022 passed by the Court of learned Addl. Sessions Judge, vide which the bail application has been declined, it has been observed that aforesaid order dated 01.02.2022 is subject matter of challenge in this Court. It has been stated that as per his instructions, till date no such petition challenging the said order has been moved in this Court.

Learned State counsel on instructions from ASI Chand Singh and learned counsel for the complainant have opposed the bail application and it has been conceded by learned counsel for the complainant that though petition challenging the order dated 01.02.2022 was instituted but the same has to be refiled on account of some objections raised by the Registry.

It has further been argued that the petitioners have been specifically named by the victim in her statement under Section 164 Cr.P.C.

Be that as it may, it has not been disputed that the petitioners were arrested on 21.12.2021 and are not involved in any other case. The investigation of the case is complete and the conclusion of trial is likely to take some time. Furthermore as per the order dated 01.02.2022, the offence under Section 8 of the Protection of Children from Sexual Offences Act is not made out. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioners.

Therefore, without making any expression of opinion on the

merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

28.03.2022

Janki

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