

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

CRM-M-19550-2020

Date of Decision: 31.10.2022

Ajam

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sanjiv Gupta, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, Asstt. Advocate General, Haryana.

Mr. Vishwajeet Singh, Advocate for

Mr. Vikram Singh, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.33 dated 23.02.2019, registered under Sections 4 & 18 POCSO Act and Sections 376, 511, 452, 506 IPC, at Police Station Sanoli, District Panipat.

As per the facts of the case, the FIR in question was lodged on the statement of the mother of the victim, wherein, it was alleged that on 21.02.2019 at about 12:00 noon, she was sitting with her neighbour, her daughter i.e. the victim (name concealed) aged about 14 years was alone at home. Then, her neighbour Ajam i.e. the petitioner entered her house and embraced her daughter with malafide intention. He got laid her on the bed and when her daughter made noise, she came inside. She found Ajam lying on her daughter and on seeing her he scuffled with her. She was threatened to be killed by him. He escaped from there. Request was made to take legal action against the accused. On the basis of complaint, the FIR was registered and the investigation commenced. The petitioner was arrested on 17.3.2020. The investigating agency filed challan under Section 376 IPC

read with Section 511 IPC. The petitioner approached the learned Additional Sessions Judge/Fast Track Court, (POCSO), Panipat for grant of bail, who after hearing the parties, declined the same vide its order dated 3.7.2020. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition for grant of regular bail. This Court vide order dated 18.9.2020 finding the custody of the petitioner 6 months granted interim bail to him, who is on interim bail as on date.

It has been contended by learned counsel for the petitioner that the petitioner is a young boy of 19 years of age and has been falsely implicated in this case in order to settle the on going litigations between both the families since long. He submits that about 10 cases including civil and criminal are pending between both the families. He submits that on account of the same, the petitioner was involved in this FIR. He further submits that there are bald allegations made in the FIR without any corroboration. He submits that the petitioner is on interim bail since 18.9.2020 and till date he has never misused the concession of interim bail granted to him. He submits that the prosecutrix has also been examined by the trial Court and there cannot be any apprehension whatsoever that the petitioner will threat or influence the prosecution witnesses. He has submitted that the petitioner has no criminal antecedents, as he has never been involved in any other case except the present case. He submits that in view of the overall facts and circumstances, the interim bail granted to the petitioner deserved to be made absolute.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner. He has submitted that the prosecutrix has duly supported the case of the prosecution. He

submits that she made specific allegations against the petitioner and thus, he does not deserve the concession of bail.

Learned State counsel has submitted that the prosecutrix has been examined and she has supported the case of the prosecution. However, he submits that in all there are 13 prosecution witnesses, out of 4 witnesses already stand examined including the victim. He has submitted that as per the instructions received by him, the petitioner has no criminal antecedents.

Heard.

It is apparent that the petitioner is on interim bail since 18.9.2020 and there is nothing on record to show that the petitioner after having been granted interim bail, has ever misused the concession of the same. There is nothing on record to show that the petitioner has any criminal antecedents.

The veracity of the allegations would be evaluated by the trial Court only after conclusion of the trial. In the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and order dated 18.9.2020 is made absolute subject to his furnishing fresh bail bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

31.10.2022
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE