

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

Sr. No.273

CRM-M-24059-2022

Date of decision: 19.07.2022

Ravi Parkash

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.28 dated 11.02.2022 registered under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and Sections 506 and 341 IPC at Women Police Station Yamuna Nagar, District Yamuna Nagar.

The FIR in question was registered on the basis of a complaint filed by the alleged victim as per which the petitioner, who was the alleged victim's neighbour, for the last few days, had been making obscene gestures towards her; teasing her as also stopping her when she would go out to force her to make relations with him.

Learned counsel for the petitioner submits that the petitioner, who is a 25 year old boy, has been falsely implicated in this case as the petitioner and the alleged victim's family are inimical towards each other; a few months ago, the petitioner's sister had lodged a complaint against the alleged victim's father with the police, a fact which has been admitted by the alleged victim before the Trial Court; such complaint was compromised; the

petitioner had also lodged FIR No.317 dated 26.11.2021 under Sections 148, 149, 323, 325 and 506 IPC at Police Station Chhappar, District Yamuna Nagar in which one of the accused was the alleged victim's father; the FIR in question is a counter blast to the afore-referred proceedings; in her statement made under Section 164 Cr.P.C. the alleged victim has stated that she and the petitioner used to talk to each other on telephone which clearly shows the falsity in the case of the prosecution that it was the petitioner who was forcing the alleged victim to make relations with him; the petitioner is in custody since 15.02.2022; the prosecutrix already stands examined before the Trial Court; the petitioner is not involved in any other criminal case and that since in the petitioner's trial 09 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he was teasing and harassing a minor girl as also that in case the petitioner is released on bail he may influence the trial.

In the light of the earlier complaints by the petitioner and his sister against the alleged victim's father etc. it would be debated during the course of the petitioner's trial as to whether the FIR in question has been lodged as a counter blast to the same. The contradiction in the case of the prosecution and the statement made by the alleged victim under Section 164 Cr.P.C. with regard to the making of telephone calls by her to the petitioner shall also be debated.

Further, the petitioner is in custody since 15.02.2022; there is no other criminal case pending against the petitioner; the prosecutrix already stands examined before the Trial Court and that since in the petitioner's trial 09 prosecution witnesses still remain to be examined, the

same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Yamuna Nagar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

July 19, 2022
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(DEEPAK SIBAL)
JUDGE

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