

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

CRM-M-37153-2021

Date of Decision: 15.11.2022

Anuj Yadav

..... Petitioner

Versus

UT, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Raghav Gulati, Advocate, for the petitioner.
Mr. Anupam Bansal, Addl. UT, Chandigarh.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.102 dated 23.08.2021, registered under Sections 354, 354-A IPC and Section 8 of POCSO Act, 2012, at Police Station Mauli Jagran, UT, Chandigarh.

As per factual matrix of the case, the present FIR was lodged by the victim herself (name concealed), wherein, it was alleged that she was 15 years of age and studying in 10th class. She was taking tuition classes at Mauli Complex, Chandigarh from Anuj Yadav i.e. the petitioner. On 23.08.2021, she had gone to tuition class and when she was alone, her teacher Anuj Yadav came and kissed her forcibly. She slapped him and raised noise. In the meantime, her father came to the spot and Anuj Yadav was caught on the spot and handed over to the Police. Request was made to register the FIR and take legal action against the culprit. On registration of the FIR, the investigation commenced and statements of the witnesses were recorded and the petitioner was arrested on the same day i.e. 23.08.2021.

He approached the Court of learned Judge, Fast Track Special Court,

Chandigarh for grant of bail, who, after hearing the parties, declined the same vide order dated 03.09.2021. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned senior counsel for the petitioner assisted by Mr. Raghav Gulati, Advocate, has vehemently contended that the petitioner is a poor person and taking the tuition classes for his survival. He has submitted that the petitioner has been falsely implicated in this case and the alleged incident is of the Pandemic period. He submits that to meet the needs of the family, he was taking the tuition classes, however, he was implicated by the prosecutrix. He submits that from the perusal of the allegations in the FIR, it is unbelievable that in the presence of the father of the prosecutrix, the petitioner could have even thought of committing any offence with the prosecutrix. He submits that the petitioner used to take classes of other students as well and has an impeccable record, as he has never faced such allegations from any of the students. He submits that the petitioner is a young boy, who is at the threshold of his life and is languishing in jail from the last more than one year. He further submits that the material witnesses also stand examined and thus, the petitioner is not in a position to influence the prosecution witnesses. He submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

On the other hand, learned State counsel has opposed the submissions made by learned senior counsel and has submitted that there are specific allegations levelled by the prosecution against the petitioner. He submits that the prosecutrix and her father have already been examined by the trial Court and they have duly supported the case of the prosecution. He

has submitted that out of total 13 prosecution witnesses, 4 witnesses have already been examined and four witnesses have been given up and the trial is virtually at the fag end. He further submits that as per the information provided to him, the petitioner is not involved in any other case, except the present case.

Heard.

Admittedly, the petitioner is 19 years of age and was tuition teacher of the prosecutrix. He is behind bars since 23.08.2021. There is nothing on record showing that the petitioner has criminal antecedents. The material witnesses have already been examined and thus, the chances of the petitioner influencing the prosecutrix and other material witnesses do not survive any more. The veracity of the allegations would be evaluated by the trial Court only after appreciation of the complete evidence led by both the parties. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail 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.

(RAJESH BHARDWAJ)
JUDGE

15.11.2022

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Whether Speaking/Reasoned :

Yes/No

Whether Reportable :

Yes/No