

CRM-M-34611-2022

Date of decision: 16.09.2022

HARSHDEEP SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Aashna Gill, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Harshdeep Singh-petitioner is seeking regular bail in the case bearing FIR No.394 dated 12.04.2022 under Sections 323/324/326-A/341/506/34 IPC, (all deleted later on) and Section 12 of POCSO Act (Section 8 added later on) (for short 'Act'), registered at Police Station Shahabad, District Kurukshetra.

Briefly, the FIR has been registered on the basis of the statement of father of the victim alleging that the victim is aged about 14 years old. On 12.04.2022, the victim along with her cousin, namely, Snehdeep were returning back to the house and the petitioner along with another boy arrived at the spot on a motorcycle. The petitioner started misbehaving with the victim. Snehdeep tried to intervene. The petitioner inflicted knife blow on the arm of Snehdeep and also made an attempt to throw acid on the victim's face. However, victim saved herself and the acid fell on her foot.

Learned counsel for the petitioner contends that the allegations with regard to the acid attack and altercation with knife were found to be suspicious. The investigation of the case is complete and challan has been presented only with regard to the commission of offence under Sections 8 & 12 of the Act. The petitioner is 19 years old boy. He is in custody for a period of 04 months and 25 days and is not involved in

any other case.

Learned State counsel has not disputed the fact that the offence under Sections 323/324/326-A/341/506 IPC have been deleted and the challan has been presented only with regard to the offence under Sections 8 & 12 of the Act. However, he has opposed the bail application on the score that the victim is aged about 14 years and there are serious allegations that the petitioner had been inappropriately touching the victim.

In the instant case, the allegations with regard to the acid attack and inflicted injuries by means of knife have been disbelieved even during the course of investigation. The petitioner is in custody for a period of 04 months and 25 days and is not involved in any other case. The custodial interrogation of the petitioner is over and he is in judicial custody. The investigation of the case is complete and challan has been presented. In the list of witnesses, 17 persons have been mentioned as witnesses. As such, the conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

16.09.2022
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(VIVEK PURI)
JUDGE

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