

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 218

CRM-M-35254-2022

Date of decision : 11.11.2022

Pritam

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.S.Sekhon, Advocate, for
Mr.Shiv Kumar, Advocate, for the petitioner.

Mr.Tapan Kumar Yadav, DAG, Haryana.

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.482 dated 05.11.2021 registered under Sections 363, 506 IPC and Sections 8 and 17 of Protection of Children from Sexual Offences Act, 2012 at Police Station Dabua, Faridabad.

The petitioner is being prosecuted for having abducted the alleged victim and after taking her to the house of one Vikram of having inappropriately touched her breast.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he is in custody since 26.02.2022; he does not have any other criminal antecedents; the petitioner had filed a suit against the complainant (the alleged victim's maternal grandmother) through which he had sought specific performance of an agreement to sell dated 24.02.2016; while the said civil suit was pending, only to pressurize him to compromise the pending civil dispute, the petitioner was embroiled in this false case; there is no medical evidence to back the allegations made against the petitioner; in the initial inquiry conducted by the police the petitioner

was found innocent and without there being any change in circumstance he is now sought to be prosecuted; the investigation in the case is complete and therefore the petitioner is not in a position to influence the same and that since in the petitioner's trial 17 witnesses have been cited by the prosecution, the same is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he had abducted and inappropriately touched the alleged victim who at the time of the alleged occurrence was only 15 years old and that she has fully supported the prosecution's case in her statement made by her under Section 164 Cr.P.C.

It is not disputed that a suit for specific performance was filed by the petitioner against the complainant (the alleged victim's maternal grandmother) which remains pending and that the FIR in question was registered against the petitioner during the pendency of the aforesaid suit.

In the light of the above, it will be debated during the course of the petitioner's trial as to whether he has been falsely implicated in this case or otherwise. Nonetheless, the petitioner is in custody since 26.02.2022; he does not face any other criminal case; in the initial investigation the police had found the petitioner to be innocent; the investigation in the case is complete and therefore the petitioner is in no position to influence the same; no recovery is required to be made from the petitioner and that the petitioner's trial in which the prosecution has cited 17 witnesses, 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,

Faridabad, 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.

11.11.2022
shamsher

[DEEPAK SIBAL]
JUDGE

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