

205 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46543-2021

Date of Decision: 07.01.2022

RAMAN

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Mehak Sawhney, Advocate,
for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No. 64 dated 07.08.2021 under Sections 354-A, 354-D, 506, 509 IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012 (for short POCSO Act) registered at Women Police Station, Charkhi Dadri.

Briefly, the allegations against the petitioner are to the effect that he had followed the victim while she was travelling in school bus, proposed her for marriage and in the event of denial, threatened to kill her.

Learned counsel for the petitioner contends that the petitioner is a little more than 18 years, there is no allegation of commission of sexual act, intent or harassment and furthermore, all the offences except Section 12 of the POCSO Act are bailable as the petitioner is not a previous convict.

Custody certificate of the petitioner filed in the Court through e-mail, is taken on record.

Learned State counsel, on instructions from Inspector Urmila, has not assailed the aforesaid factual aspect of the matter but has argued that the statement of the victim is yet to be recorded.

Be that at it may, custody certificate indicates that the petitioner has undergone incarceration for a period of 04 months and 20 days. It has not been disputed that the investigation of the case is complete and challan has already been presented in the Court. Furthermore, there is lack of material to indicate any sexual act, intent or harassment on the part of the petitioner. Conclusion of the trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner behind the bars.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate/trial Court.

07.01.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No