

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

**CRM-M-54585-2021
Date of Decision: 10.01.2022**

Sudesh Kumar @ Churiya

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.K. Bhambhu, Advocate,
for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

VIVEK PURI J. (ORAL)

The matter has been taken up through Video Conferencing due to Covid-19 pandemic.

The petitioner has prayed for grant of regular bail in case FIR No.199, dated 15.08.2021, under Sections 354, 451 & 506 of IPC and Section 8 of the POCSO Act, registered at Police Station Badhra, District Charkhi Dadri.

Briefly, the allegations against the petitioner are to the effect that on 14.08.2021, he visited the house of victim and with a *mala-fide* intention caught hold her hand. When her elder sister returned back, the petitioner ran away.

It has been contended by learned counsel for the petitioner that only allegation against the petitioner is with regard to holding the hand of victim, who was aged about 11 years. The investigation of the case is

complete and challan has already been presented. Furthermore, the present petitioner is in custody since 02.09.2021 and is not involved in any other case.

On the instructions of ASI Anil, learned State counsel has not assailed the aforesaid factual aspects of the case, but has argued that the victim is only 11 years old child and the petitioner is her uncle from the brotherhood.

It is significant to note that the intention on the part of petitioner in catching hold the arm of victim will be a debatable question during the course of trial, he has undergone custody for a period of 4 months and 7 days, investigation of the case is complete, the challan has already been presented and he is not involved in any other case.

Considering the above and the fact that the trial is likely to consume some more time on account of restricted hearing due to recent resurge in covid cases, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

10.01.2022*Apurva***(VIVEK PURI)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No