

GOURAV BANSAL

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Navraj Singh, Advocate for the petitioner.
Mr. Dhruv Sihag, AAG Haryana.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 302 dated 20.04.2022 under Sections 10, 17 of Protection of Children from Sexual Offences Act (Sections 323, 363, 511 IPC added later on), registered at Police Station Krishna Gate, Thanesar, District Kurukshetra.

Briefly, the FIR has been registered on the basis of the statement of the father of the victim alleging that the petitioner along with co-accused Amit had been teasing the victim.

Learned counsel for the petitioner contends that the victim is stated to be aged about 10 years. In her statement recorded under Section 164 Cr.P.C., the only allegation imputed by the victim to the effect that the petitioner along with co-accused Amit met her and asked her to sit on the scooter but she refused to do so. The petitioner caught hold of the victim to make her to sit on the scooter but she gave bite to him. The petitioner had given slaps to her.

It has been further contended that the statement of the victim during the course of trial has been recorded. The co-accused Amit was found innocent during the course of investigation. The petitioner is in

custody for a period of 6 months and 17 days and is not involved in any other case except a complaint under Section 138 of the Negotiable Instruments Act.

Learned State counsel has opposed the bail application on the score that the victim is aged about 10 years and 2, out of 12 witnesses have been examined.

It is significant to note that the petitioner is in custody for a period of 6 months and 17 days and is not involved in any other case. The statement of the victim during the course of trial has been recorded. So far only 2, out of 12 witnesses have been examined. The conclusion of trial is likely to take some more time and no fruitful purpose would 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. 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 fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

29.11.2022

Janki

**(VIVEK PURI)
JUDGE**

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