

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

213

CRM-M-1275-2022 (O&M)

Date of Decision: 15.03.2023

Dharmender**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Mayank Aggarwal, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 439 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking regular bail in FIR No.496 dated 16.08.2021 under Sections 8 & 12 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Sections 354, 509 & 34 of Indian Penal Code, 1860 (for short 'IPC') (Section 4 of POSCO Act and Sections 376 & 506 of IPC added later on) registered at Police Station City Sonapat, District Sonapat.

2. Learned counsel for the petitioner, *inter alia* contends that police after completing investigation has filed supplementary challan dated 26.04.2022 (Annexure P-7) against the petitioner and co-accused- Sahil @ Raja. As per supplementary challan, the petitioner is accused of commission of offence punishable under Section 506, 509 and 34 of IPC. The offences punishable under Sections 506 and 509 of IPC are bailable

and petitioner is in custody since 17.08.2021. The petitioner is not involved in any other offence. The petitioner has been wrongly implicated in the commission of alleged offence. The petitioner is permanent resident of District Sonapat. The petitioner has deep roots in the society. There is no possibility of flee from justice.

3. Custody certificate dated 14.03.2023 is taken on record. Registry is directed to tag the same at appropriate place.

4. Learned State Counsel submits that police report has already been filed. She fairly confirms that the petitioner is not implicated under Section 376 of IPC and different provisions of POCSO Act.

5. The petitioner is in custody since 18.08.2021. Main accused has been charged under Section 376 of IPC apart from other provisions of IPC as well POCSO Act whereas the petitioner is accused of commission of offence punishable under Section 506 and 509 of IPC which are bailable in nature. The petitioner is not involved in any other offence.

6. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

15.03.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>