

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 102

Criminal Miscellaneous No.M-14463 of 2023

Date of Decision: March 22, 2023

Kuldeep Sharma

..... PETITIONER(S)

VERSUS

State of Haryana

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Gourav Jain, Advocate, for the petitioner.

Ms. Mahima Yashpal, Deputy Advocate General,
Haryana.

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Tribhuvan Dahiya, J (Oral)

The prayer made in this petition is for grant of pre-arrest bail to the petitioner in case FIR No.153 dated 23.03.2020 under Sections 306, 328, 354, 354-A, 506 IPC and Sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act'), registered at Police Station, City Fatehabad, in which he has been summoned by the Special Judge, Fast Track Court, to face trial under Sections 354-A(1), 306, 506 IPC and Sections 8 and 10 of the POCSO Act.

2. Learned counsel for the petitioner contends that after lodging of the FIR, cancellation report dated 04.07.2020 (Annexure P-3) was presented before the competent Court. Thereupon, statement of the victim dated 28.04.2022 (Annexure P-4) was also recorded, wherein she stated that she agreed with the police proceedings and did not want to pursue the case

further. By misreading the statement the Special Court has summoned the petitioner vide order dated 30.01.2023 (Annexure P-5). Even otherwise, there is no material on record to establish a *prima facie* case against the petitioner. The allegations were levelled more than three years after the alleged incidents. The petitioner has filed a petition CRM No.M-10651 of 2023 before this Court for quashing of the FIR and all subsequent proceedings, which is pending adjudication.

3. Notice of motion.

4. Ms. Mahima Yashpal, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State and submits that investigating agency does not require the petitioner's custody, at this stage.

5. In view thereof, the petitioner is directed to appear before the Special Court within a week from today, whereupon he shall be admitted to bail subject to its satisfaction.

6. Petition stands allowed.

(Tribhuvan Dahiya)
Judge

March 22, 2023

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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No