

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

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CRM-M-16725-2023

Date of Decision: 15.05.2023

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

Present:- Ms. Nevadita Malik Sharma, Advocate for the petitioner

Ms. Priyanka Sadar, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through instant petition under Section 439 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking grant of concession of regular bail in FIR No.212 dated 13.05.2022 under Section 12 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Sections 341 & 506 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station, Sector 14, Panchkula.

2. The case of the prosecution is that complainant lodged a complaint alleging that on 12.05.2022 his daughter aged 6 years was playing near their house. At about 06:00 PM, the petitioner called her to his house and thereafter locked the door. He grabbed the victim from behind. She got frightened and screamed. In response to the screaming of the victim, **neighbourer** Bholi knocked the door. The petitioner opened the door and fled from the spot.

3. Learned counsel for the petitioner, *inter alia* contends that petitioner is a 20 years old young boy. He is in custody since 13.05.2022 and he is not involved in any other offence. The maximum sentence prescribed under Section 12 of POCSO Act is 3 years. Similarly, sentence prescribed under Section 341 of IPC is 1 month.

4. Custody certificate dated 14.05.2023 filed by respondent-State is taken on record. As per custody certificate, the petitioner is in custody since 14.05.2022 and he is not involved in any other offence.

5. Learned State Counsel submits that police report has already been filed and charges stand framed. She further submits that out of 13 witnesses, 2 have already been examined.

6. The petitioner is in custody since 14.05.2022 and he is not involved in any other crime. The maximum sentence prescribed under Section 12 of POCSO Act is 3 years. The Trial Court yet has to return definite findings on the disputed issues. There are 13 prosecution witnesses and till date only 02 have been examined, thus, there is abysmally low possibility of conclusion of trial in near future.

7. 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.

8. 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

15.05.2023
Mohit Kumar

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