

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

215

CRM-M-16112-2023

Date of Decision: 19.05.2023

Ramesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vikas Bishnoi, 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 concession of regular bail in FIR No.457 dated 12.10.2022 under Sections 354, 354A, 354D, 341 & 506 of Indian Penal Code, 1860 (for short 'IPC'), Sections 8 & 12 of Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and Section 67 of Information Technology Act, 2008 registered at Police Station Agroha, District Hisar

2. The case of the prosecution is that complainant on 12.10.2022 lodged a complaint alleging that she is studying in GJU, Hisar. For last 6 month, Ramesh is stalking and sexually harassing her. Her parents made a complaint to parents of Ramesh. They assured that their son would not commit such an act in future but Ramesh continued to stalk and harass her. On 10.10.2022 she was going on a bus, petitioner

boarded the same bus and harassed her. Petitioner extended threats to her on phone calls

3. Learned counsel for the petitioner, *inter alia* contends that petitioner is in custody since 20.10.2022 and he is not involved in any other crime. The petitioner was in friendly relation with the prosecutrix and she in her cross-examination accepted this fact. The maximum sentence prescribed for commission of alleged offence is 5 years. The prosecutrix stands examined as well cross-examined. The petitioner is permanent resident of District Hisar. The petitioner has deep roots in the society. There is no possibility of flee from justice.

4. Custody certificate dated 18.05.2023 is taken on record. As per custody certificate, the petitioner is in custody since 21.10.2022 and he is not involved in any other offence.

5. Status report by way of affidavit dated 10.05.2023 of Rohtash Singh, H.P.S., Deputy Superintendent of Police, Barwala filed on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

6. Learned State Counsel submits that police report has already been filed and charges stand framed. She further submits that out of 16 witnesses, only one witness i.e. prosecutrix has been examined. The petitioner is involved in the commission of grave offence, thus, no leniency is warranted and release of petitioner would hamper the trial.

7. The petitioner is in custody since 20.10.2022 and he is not involved in any other crime. Police report under Section 173 of Cr.P.C. stands filed and charges stand framed. The Trial Court yet has to return definite findings on the disputed issues. There are 16 prosecution witnesses and till date only one witness has been examined, thus, there is abysmally low possibility of conclusion of trial in near future. The prosecutrix stands examined, thus, there is no possibility of winning over or pressurizing her. No recovery is to be effected from the petitioner. The maximum sentence prescribed for the commission of alleged offence is 5 years.

8. 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.

9. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

10. 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

19.05.2023
Mohit Kumar

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