

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

226

**CRM-M No. 16306 of 2023
Date of Decision :13.4.2023**

*Hariom**..... Petitioner**versus**State of Haryana**..... Respondent***CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Ram Pal Verma, Advocate, for the petitioner

Ms. Ankita Ahuja, AAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.704 dated 22.12.2022 under Sections 323, 341, 354, 354-A, 365, 506, 511 and 34 IPC and Section 12 of POCSO Act (Section 12 of POCSO Act and Sections 354, 354-A, 365 and 511 IPC have been removed later on), registered at Police Station Gannaur, District Sonapat.

2. As per allegations in the FIR, lodged on the statement of the victim's mother, the petitioner along with co-accused used to pass filthy comments on the victim, who was a student of Class XII, and tried to outrage her modesty also. On 22.12.2022 at around 3:30 p.m. when the victim was coming from school, the accused persons, who were standing outside, caught hold of her and attempted to kidnap her. They gave her beatings also. This was witnessed by a school teacher who came to save her. The accused beat him up too. All this was seen by the villagers who came on the spot, thereupon, the accused ran away after giving threats of life to the victim.

3. Learned counsel for the petitioner contends that challan has been presented and offences under Sections 323, 341 and 506 IPC only have been

made out against the petitioner. The allegations of outraging the victim's modesty and kidnapping etc. were found false. The offence under Section 12 of the POCSO Act is also not attracted against him.

4. Learned State counsel, on instructions from SI Om Parkash, does not dispute the facts aforestated. It is also not denied that the petitioner is in custody since 18.1.2023, and there is no other case against him. Charges have been framed against the petitioner only under Sections 323, 321 and 406 IPC and trial is still to commence. Fifteen prosecution witnesses are to be examined.

5. The submissions made by learned counsel for the parties have been considered.

6. The offences alleged against the petitioner are bailable except the one under Section 506 IPC. Investigation of the case is already over and charges have been framed. Trial of the case will take some time to conclude, as none of the prosecution witness has been examined so far. The petitioner does not have criminal antecedents, and, therefore, no useful purpose will be served by confining him to custody any longer.

7. In view thereof, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

13.4.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No