

2023:PHHC:107300

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

CRM-M-19913-2023

Date of Decision: 18.08.2023

RAJ KUMAR SHARMA

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Amandeep Singh Samra, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 37 dated 22.03.2023 under Sections 354, 354-A, 509 IPC and Section 12 of the POCSO Act registered at Police Station Longowal, District Sangrur.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that the FIR was registered on the allegations that the petitioner, who is working as Teacher in Kendriya Vidyalaya, had been causing sexual harassment to the female students. It has been further submitted that the petitioner is in custody for a period of 04 months and 27 days and not involved in any other case. The charge in the instant case was framed on 03.07.2023 and despite opportunities, none of the victims has been examined by the prosecution.

4. Learned State counsel has opposed the bail application on the score that there are specific and categoric allegations with regard to sexual harassment attributed to the petitioner and the five young victims are yet to be examined.

5. On the previous date of hearing i.e. 20.07.2023, it was submitted that the charge was framed on 03.07.2023 and the next date of hearing in the trial Court was stated to be 21.07.2023. Learned State counsel had submitted that the statement of the young victims shall be recorded in the meanwhile.

6. Despite opportunities, the statements have not been recorded. The petitioner is in custody for a period of 04 months and 27 days. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

7. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

18.08.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No