

2023:PHHC:085627

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

CRM-M-30915-2023

Date of Decision: 07.07.2023

BIJENDER

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ketan Antil, Advocate, for the petitioner.
Mr. Surinder Kumar Dagar, DAG, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 468 dated 23.12.2022 under Sections 354-A, 452, 506 IPC and Section 8 of the POCSO Act registered at Police Station Barauda, District Sonipat.

2. Custody certificate has been placed on record.

3. Briefly, the FIR has been registered on the allegations that the victim is aged about 16 years and on 23.12.2022, at about 3:00 A.M, the petitioner entered her room and inappropriately touched her.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated on account of financial dispute with the parental family of the victim. Moreover, the petitioner is in custody for a period of 06½ months and the statement of the victim during the course of trial has been recorded. He further submits that though the petitioner was involved in 06 other cases of different nature but has been acquitted in all those cases.

5. Learned State counsel has opposed the bail application on the score that the victim is aged about 16 years and there are allegations with regard to inappropriately touching the private parts of the victim. Moreover, out of 18, 12 witnesses have already been examined.

6. The genuineness of the allegations levelled against the petitioner will be a subject matter of adjudication before the learned trial Court. The petitioner is in custody for a period of 6½ months and custody certificate does not indicate that he is involved in any other case. The statement of the victim and family members has been recorded. As such, it cannot be said that the petitioner in any manner can win over or influence the witnesses. Six more witnesses still remain to be examined. 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.

07.07.2023
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(VIVEK PURI)
JUDGE

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