

2023:PHHC:095637

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

CRM-M-35355-2023

Date of Decision: 27.07.2023

SAHIL

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Nipun Bhardwaj, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.43 dated 04.05.2023 under Sections 354-A, 354-D, 506 IPC and Section 12 of the Protection of Children from Sexual Offences Act, registered at Women Police Station, Kaithal.
2. Custody certificate has been placed on record.
3. Learned counsel for the petitioner contends that initially, there were negotiations for matrimonial alliance of the petitioner with the elder daughter of the complainant, but the same could not materialise. The complainant has levelled false allegations to the effect that the petitioner had been making telephonic calls to the family, where the daughter was subsequently engaged and also committing sexual assault upon the complainant and another daughter, aged about 16 years. There are vague allegations mentioned in the FIR without any specific instance, time or date of occurrence. Investigation of the case is complete and challan has been presented. The petitioner is in custody for a period of 02 months and 22 days and not involved in any other case.

4. Learned State counsel has opposed the bail application on the score that there are allegations with regard to commission of sexual assault levelled against the petitioner and the witnesses are yet to be examined.

5. It may be mentioned here that the investigation of the case is complete and challan has been presented. The petitioner is in custody for a period of 02 months and 22 days. The allegations are with regard to commission of sexual assault. The version of the petitioner is to the effect that as the matrimonial alliance with another daughter of the complainant could not materialise, he has been falsely implicated. The genuineness of the rival allegations is to be adjudicated during the course of trial. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. 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.

27.07.2023
smriti

(VIVEK PURI)
JUDGE

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