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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37570-2023(O&M)
Date of Decision: 18.08.2023

Dhoom Singh @ Dhulli

....Petitioner(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. A.P. Dhankhar, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.347 dated 16.05.2023, under Sections 342, 506 IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Assandh, District Karnal.

2. Learned counsel for the petitioner has submitted that as per the allegations contained in the FIR, the petitioner who is an old man of the age of 75 years had taken the son of the complainant to a room and had touched him with bad intention. The son of the complainant is about 10 years of age and thereafter the present FIR was lodged. He submitted that as per his instructions no medical was conducted upon the son of the complainant. He further submitted that in fact it was a case of political

rivalry in the village and because of the political rivalry the present FIR was got lodged but thereafter the matter was sorted out and now an affidavit has been furnished by the complainant vide Annexure P-2 by stating that although there was an incident of touching on the cheek of the boy but it was because of natural love and affection since the petitioner is an old person and the complainant has got no suspicion in this regard. He submitted that the petitioner is in custody from 18.05.2023 and the investigation of the case has been completed and thereafter challan has been presented. He further submitted that considering the aforesaid affidavit of the complainant and considering the fact that the petitioner is an old man of the age of 75 years and also considering the non-probability of such kind of incident as alleged in the FIR, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana has submitted that it is correct that the petitioner is in custody from 18.05.2023 and investigation of the case has been completed and thereafter challan has been presented. He has submitted that he has sought instructions from the I.O to state that a compromise has been effected between the parties.

4. I have heard the learned counsel for the parties.

5. As per the allegations the petitioner who is an old man of the age of 75 years had misappropriately touched a boy of the age of 10 years in a room. However, thereupon as per affidavit Annexure P-2 in which the complainant himself has sworn in by stating that the touching by the petitioner was out of love as the same which an old man does with the kids out of love. Be that as it may, this Court is of the view that considering the

age of the petitioner which of about 75 years and considering the fact that the investigation of the case has already been completed, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

18.08.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No