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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43680-2023 (O&M)
Date of decision : 03.10.2023

Rakesh Kumar ... Petitioner(s)

Versus

State of Haryana & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Govind Chauhan, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Haryana for respondent No.1.
Mr. Vishal Pundir, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.191 dated 23.07.2023 under Sections 354-D, 506 of the Indian Penal Code, 1860 and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (Sections 10 and 12 of POCSO Act and Section 354 IPC added later on by substituting Section 8 of POCSO Act), registered at Police Station Nissing, District Karnal (Annexure P-1).
2. Learned counsel for the petitioner would contend that the petitioner is a young boy of 26 years of age and has absolutely clean antecedents. It is further the contention of learned counsel that the FIR is a

result of a misunderstanding and with the intervention of the respectables, a compromise has also been arrived at between the parties. Learned counsel would further contend that the petitioner has been in custody for a period of 02 months and 09 days.

3. Learned counsel for the State has filed a status report by way of affidavit of Sh. Suresh Kumar, HPS, Deputy Superintendent of Police (HQ), Karnal. Learned State counsel has pointed out that the victim has supported the case of the prosecution in her statement recorded under Section 164 CrPC and further that the victim in the present case is a minor. Learned State counsel is not in a position to deny the fact that there is no other case pending against the petitioner. Learned State counsel has also filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 02 months and 09 days.

4. Heard.

5. In the present case the allegations against the petitioner are that he had been stalking the victim as also making obscene gestures. Though in the FIR there are allegations of molestation and threats to kill her, however, in the statement recorded under Section 164 CrPC there are no allegations of molestation and threats to kill her. The petitioner has been in custody for a period of 02 months and 09 days and there is no other case pending against him. The challan stands presented in the present case. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.
7. Additionally, given the nature of the allegations and the other circumstances, the petitioner shall not enter the property, workplace, and the residence of the victim and shall not approach the victim or her family in any manner. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence or cause any discomfort to the victim.
8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.
9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.
10. Disposed off. Pending applications, if any, also stand disposed off.

03.10.2023

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO