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

CRM-M-47036-2023

Date of Decision:- 13.10.2023

SANJEEV KUMAR

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Krishan Singh, Advocate for the petitioner.
Mr. Narender Singh Behgal, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.193 dated 30.05.2022 under Sections 328/506 of IPC and Section 6 of the POCSO Act, registered at Police Station, Mullana, District Ambala, Haryana.

2. The facts of the case are that the prosecutrix filed a written complaint to the police that she was 16 years 11 months old and student of 12th class in Government Senior Secondary School, Sardehri, P.S. Mullana, District Ambala. On 28.05.2022 at about 6.30 am she left the house for going to school on the cycle of her friend who lived in neighbourhood. Their school was at a distance of 1 Km when the cycle of her friend broke down. Sanjeev Kumar son of Sahi Ram who also lived in their

neighbourhood came in white coloured Verna Car and asked her to accompany in his car and he would drop her in her school. She sat in his car who took her to Welcome Hotel, Sadhaura Road, District Ambala. He took her in a room from the back door of the hotel and offered her cold drink. After consuming she started having headache. Sanjeev committed wrongful act with her against her wishes and thereafter he dropped her near her house around 12 o'clock noon. She was threatened not to tell this fact to anybody. With these allegations the present FIR has been registered.

3. Learned counsel for the petitioner stated that all the allegations levelled against him are false. He has not committed any wrongful act with her. There is delay in lodging the report to the police. He was arrested on 30.05.2022 and since then he is behind the bars. At present, the statement of the victim has been recorded. There is nothing on record to show that any force was used on the victim. He is ready to abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

4. The bail application is opposed by learned State Counsel. The detailed status report has been filed. The facts of the case indicate that the trial of this case is under progress. Apart from the statement of the victim there is report of Forensic Laboratory. The victim was minor at that time. Considering the gravity of offence, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record carefully. The record shows that the statement of the victim as PW1 has been recorded where she has supported her version. I have also gone through the entire statement. She was subjected to cross examination twice. At present, the said victim had attained majority. The first bail

application filed by the present petitioner in CRM-M-55323-2022 was dismissed as withdrawn vide order dated 31.05.2023. The trial of this case may take long time. Now at this stage, the present petitioner cannot influence the prosecutrix as her complete statement is already recorded. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the present petitioner is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

6. The petition stands accepted.

13.10.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No