

2023:PHHC:144245

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

CRM-M-48447-2023 (O&M)

Date of Decision: 14.11.2023

RAJ KUMAR KALRA

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Raghuwinder Singh, Advocate
for the petitioner.

Ms. Ankita Ahuja, Assistant Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 208 dated 09.09.2022 under Section 10 of the POCSO Act registered at Police Station Women NIT, Faridabad, District Faridabad.

2. Custody certificate has been placed on record.

3. Learned counsel for the petitioner contends that the allegations against the petitioner are to the effect that he had committed sexual assault upon the victim, who is aged about 10 years. The victim had been going for badminton coaching where the petitioner had inappropriately touched her. It has been submitted that the petitioner is aged about 64 years and is in custody for a period of 01 year, 02 months and 02 days. The petitioner is not involved in any other case. The petitioner has been falsely implicated in the instant case. The statement of the victim as well as her father during the course of trial has been recorded.

4. Learned State counsel, on instructions from SI Savita, submits that there are specific and categorical allegations to the effect that the petitioner has committed aggravated sexual assault upon the victim, who is

aged about 10 years. The said offence is punishable with imprisonment which shall not be less than five years and which may extend to seven years. Moreover, out of 14, only 02 witnesses have been examined till day.

5. It is significant to note that the allegations against the petitioner are with regard to commission of sexual assault upon the victim, who is aged about 10 years. The statement of the victim and her father during the course of trial has been recorded. As such, it cannot be said that the petitioner can win over or influence the victim and her father. The petitioner is in custody for a period of 01 year, 02 months and 02 days and not involved in any other case. Still 12 witnesses remain to be examined. The petitioner is stated to be 64 years old. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further in 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.

14.11.2023
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(VIVEK PURI)
JUDGE

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