

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

109

CRM-M-50052-2022
Date of Decision:-09.02.2023

Sandeep Kumar

.....Petitioner

Versus

State of Haryana.

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ramnish Puri, Advocate and
Mr. Parvesh Malik, Advocate for the petitioner.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

ALOK JAIN, J. (Oral)

Prayer is for grant of regular bail to the petitioner in case FIR No.69 dated 26.08.2022, under Sections 341, 354, 506 of IPC, 1860 and Section 8 of Protection of Children from Sexual Offence Act 2012 (Section 376 of IPC and Section 4 of POCSO added later on), registered at Police Station Charkhi, District Charkhi Dadri.

Learned counsel for the petitioner submits that the entire story narrated in the FIR is concocted and in fact, Sections 4 and 8 of the POCSO Act have been wrongly added. He submits that in fact the petitioner and the prosecutrix are students of the same school and they were in fact good friends, however, on a particular day a person known to the family of the prosecutrix saw them standing, and out of fear the present complaint was lodged. He further submits that the said person has submitted an affidavit,

Annexure P-2A by stating that he only saw the prosecutrix and the petitioner standing and talking and eating the things they had taken.

Learned State counsel 02.02.2023 was directed to file status report, however he has submitted that although he has not received the status report yet but as per the MLR, no blood or semen was found and no injury has been found on the body of the prosecutrix.

After hearing learned counsel for the parties and the fact that the petitioner is in custody since 08.09.2022 and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(ALOK JAIN)
JUDGE

09.02.2023

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