

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
215

CRM-M No.49577 of 2023
Date of decision: 11.12.2023

Ram Ritu

... Petitioner

Vs.

State of UT, Chandigarh

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Harinder Pal Singh Ishar, Advocate,
for the petitioner.

Mr. Manish Bansal, P.P., UT, Chandigarh,
for the respondent-UT, Chandigarh.

MANISHA BATRA, J.

1. The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.137 dated 17.08.2023 registered under Section 354-A of IPC and Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012 (For short "POCSO Act") at Police Station Sector 31, Chandigarh.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint submitted by the complainant "I" (name withheld) alleging therein that she was studying in Class 8A in a school at Chandigarh. On 14.08.2023 at about 7:13 AM, while she was going to the school in the van, on the way, the petitioner who is driver of the said van asked her to find a girl from the school who takes money after kissing. The complainant told him

Neutral Citation No.2023:PHHC:158038

that she did not have time for such things as she had to study. Then while saying that the victim must be having plenty of time as she used to reach school in the early morning, he inserted his hands in the pocket of her skirt to look for money. The victim resisted by saying that she did not have any money. She alleged that earlier also, the petitioner had inserted his hand in the pocket of her skirt and had inappropriately touched her on the pretext of checking for money. She disclosed that she had informed about the incident to her mother on the last night. After registration of a case under Section 354-A of IPC and Sections 8 and 12 of the POCSO Act, investigation proceedings were initiated. The petitioner was arrested on 17.08.2023. Investigation has since been completed and challan has been presented in the Court.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. He has been a driver of the bus of the concerned school from the last 18 years and there had not been any complaint against him. The matter has now been settled between the family of the petitioner and the family of the victim and a written compromise deed has also been executed by the father of the victim and his wife in this regard. His custodial interrogation is no more required. Trial is likely to take time. No useful purpose would be served by keeping him in custody. Hence, it is argued that the petitioner deserves to be given concession of bail.

4. The petition has been resisted by the respondent, in terms of

Neutral Citation No.2023:PHHC:158038

the reply as submitted by it. Learned Public Prosecutor, UT, Chandigarh has vehemently argued that the offences for which the petitioner has been booked are non-compoundable and, therefore, no purpose is going to be served by compromising the matter with the family of the victim. The allegations against the petitioner are serious in nature. The trial is not likely to take time. Hence, he has argued that the petition does not deserve to be allowed.

5. The petitioner is alleged to have sexually assaulted the victim as on 14.08.2023. He is in custody since 17.08.2023. The investigation has since been completed. The trial is likely to take time. Though no consideration can be given to the compromise Annexure P-2 which is shown to have been arrived at between the families of the petitioner and the victim, however, keeping in view the period spent by the petitioner in custody, the nature of the subject offence and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be given concession of bail, at this stage. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

(MANISHA BATRA)
JUDGE

11.12.2023

manju

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No