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

**CRM-53484-2023 in/and
CRM-M-50996-2023
Date of decision: 22.12.2023**

RAJMAL

.....Petitioner

versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Santosh Bhardwaj, Advocate
for the petitioner.

Mr. Vijesh Sharma, Addl. A.G., Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-53484-2023

Allowed as prayed for.

Main case

1. Prayer in the present petition filed by the petitioner under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.116 dated 21.05.2023, under Sections 354-A, 354-D and 506 IPC and Section 8 of POCSO Act, 2012, registered at Police Station Rajound, District Kaithal, Haryana.

2. It is contended on behalf of the petitioner that the petitioner is in custody since 07.06.2023. The statement of prosecutrix has already been recorded during trial. It is further contended on behalf of the petitioner that the petitioner is a young person pursuing ITI. The complainant is working as a caterer and the present petitioner is working with the complainant as a waiter. There was a dispute between the complainant and the petitioner regarding payment of wages, as such, a quarrel took place and the complainant, who is the father of the prosecutrix, made a phone call to the Police on 22.05.2023. Proceedings under Section 107 and 151 Cr.P.C.

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2023.12.22 17:14
I attest to the accuracy and
integrity of this order/judgment.

2 17:14
3 the appellant
4 were initiated against the petitioner and the petitioner was arrested in the Calendra

dated 22.05.2023 (Annexure P-1). The present FIR was registered, with regard to the occurrence of the same day i.e. 22.05.2023, after a delay of 4 days, whereby the facts were manipulated and concocted and FIR under Section 8 of the POCSO Act, 2012, was also registered.

3. Learned State counsel has opposed the bail application on the ground of gravity of the allegations levelled against the petitioner and submitted that only one witness has been examined yet. He confirmed the fact that prosecutrix has been examined.

4. I have considered the contentions raised by the parties and perused the record. The present FIR was registered at the instance of the complainant that his daughter, who is about 15 years old and minor, was being teased and followed by the petitioner. It is further alleged that on 18.05.2023, the petitioner forcibly tried to make her sit on his motorcycle by catching hold of the hand of the prosecutrix and pointing knife to her. One day prior to that incident, the prosecutrix had gone to throw cow dung in the plot and in her way, the petitioner started teasing her and extended threats to her that if she would disclose about the incident to anyone, he would kill her. The prosecutrix was continuously being harassed by the petitioner, as a result of which, the father of the prosecutrix made a complaint and the present FIR was registered.

5. The investigation is complete. Challan has been presented. Statement of prosecutrix has been recorded during trial. The factum of proceedings under Section 107/151 CrPC regarding an occurrence of the same date i.e. 22.05.2023, is not disputed, which took place at the instance of father of the prosecutrix.

6. Without commenting on the merits of the case, the petitioner is ordered to be released on regular bail subject to his furnishing adequate bail bonds/surety

bonds to the satisfaction of the trial Court/concerned Duty Magistrate concerned and subject to the following conditions:-

- (i) the petitioner shall not, directly or indirectly, interfere in the prosecution evidence and shall not threat the witnesses.
- (ii) the petitioner shall not enter or go nearby the house of the complainant and the prosecutrix, who are residing in the same village as that of the petitioner.

(HARPREET KAUR JEEWAN)
JUDGE

22.12.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No