

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

CRM-M-56097-2023

Decided on:-05.12.2023

Ravi Sharma

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ishan Khetarpal, Advocate for
Mr. Paras Jhamb, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana with SI Dhanpati.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case FIR No.241, dated 07.06.2023, registered under Sections 354-A, 354-D, 506 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act") (Sections 341, 354-A IPC and Section 10 of POCSO Act added later on and Section 354-A IPC deleted later on) at Police Station City Kaithal, District Kaithal.

2. In the present case, the petitioner has been implicated for having caught hold of the victim/survivor from behind as well as her hands and shown knife to her.

3. The prayer made herein has been opposed at the instance of learned State counsel while submitting that the petitioner has been repeatedly committing the mistake of molesting the victim. He further submits that the complainant is yet to be examined and thus, prays for

dismissal of the present petition.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
5. In the present case, the petitioner happens to be a young boy of 23 years of age. The investigation in the present case already stands concluded with the filing of challan, followed by framing of charges on 01.09.2023 and despite having availed two opportunities, the complainant has failed to appear in support of the allegations, especially, there being no allegation of any kind of threat extended by the petitioner or his family members to the complainant or the other witnesses. Moreover, out of total 11, none of the prosecution witnesses has been examined so far.
6. Considering the aforesaid, besides considering the facts that the dispute in the present case is between the close relation and also the allegations levelled against the petitioner, I do not find any reason to extend his incarceration any further.
7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.
8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

05.12.2023
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(HARKESH MANUJA)
JUDGE

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