

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**247****CRA-S No.3510 of 2023 (O&M)
Date of Decision : 20.12.2023**

Sandeep Kumar

....Appellant

VERSUS

State of Haryana and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Chanchal K. Singla, Advocate for the appellant.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

Ms. Komaljit Kaur, Advocate for the complainant.

ALKA SARIN, J. (Oral)

1. The present appeal has been filed under Section 14 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the impugned order dated 19.10.2023 passed by learned Additional Sessions Judge Fast Track Special Court, Sirsa in FIR No.201 dated 10.05.2023 under Sections 354-A, 366-A and 506 of the Indian Penal Code, 1860 and Sections 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar Sirsa, District Sirsa whereby the application for regular bail has been dismissed.

2. The present FIR was lodged on the statement of the victim wherein she has stated that the appellant had forcibly made her sit on his

motorcycle and had held her hand. Thereafter, he refused to drop her at her house and started taking her towards Bharokha. When she raised a hue and cry the appellant stopped the motorcycle and she ran towards her house.

3. Learned counsel for the appellant would contend that the appellant has been in custody for a period of 06 months and 22 days and that out of the total 15 prosecution witnesses none has been examined till date. Learned counsel for the appellant would further contend that an affidavit has now been given by the father of the victim wherein he has stated that the FIR was registered on the basis of some misconception.

4. Learned counsel appearing on behalf of the complainant has stated that due to some misconception the present FIR was got registered and that the complainant would have no objection if the appellant is granted bail. She has further reiterated that the father of the victim has also given an affidavit that the FIR was the result of some misconception.

5. Learned State counsel has filed the custody certificate as per which the appellant has been in custody for a period of 06 months and 22 days. Learned State counsel on instructions from MHC Subhash has stated that out of total 15 prosecution witnesses none has been examined till date. However, 04 witnesses have been summoned for 19.01.2024.

6. I have heard learned counsel for the parties.

7. In the present case there is no allegation of any sexual assault. The appellant has been in custody for a period of 06 months and 22 days and out of 15 prosecution witnesses none has been examined.

8. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the appellant. The appellant is directed to be released on bail

subject to her furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

9. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the appellant is found to be misusing the concession of bail in any manner.

10. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

11. The present appeal is allowed. Pending applications, if any, also stand disposed off.

20.12.2023

jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO