

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.4933 of 2024
Date of Decision: 04.04.2024

Hasan ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Arjun Lakhanpal, Addl. AG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
1176	HTM Hisar, District Hisar, Haryana	323, 34, 341, 354-A and 354-D of IPC and 8 of Protection of Children from Sexual Offences Act, 2012 (For short “POCSO Act”) (Section 34 of IPC removed later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 21.10.2023 on

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the basis of complaint lodged by the complainant “B” (name withheld) alleging therein that on 19.10.2023, the victim who is her minor daughter (name withheld) was returning from her school while on the way, she was waylaid by the petitioner who started pressurizing her to perform marriage with him though he is already married and is having two children. The victim had refused to talk to him but he kept on insisting her and pressurizing her to sit on his bike and otherwise threatened to kidnap her. The victim tried to sit in an autorickshaw as she became very scared but the petitioner caught hold of her due to which her head was hit with a wall. It was alleged that in the meanwhile, the mother of the petitioner also reached at the spot and slapped the victim. The occurrence was witnessed by the schoolmates of the victim as well as the public persons and she was saved by them. The incident was captured in a CCTV camera installed in the vicinity of the place of occurrence. The victim had rushed towards her school for her rescue and the petitioner had tried to follow her also. It was also alleged that the police had also been informed at that time. After registration of case, investigation proceedings were initiated. The victim was medically examined. The present petitioner was arrested on 22.10.2023. The mother of the petitioner was, however, found to be innocent and had not been arrested and challaned. After completion of investigation, challan was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offences. He had moved two applications for grant of regular bail before the learned trial Court which had been dismissed.

3. It is submitted in the petition and learned counsel for the petitioner has argued that he has been falsely implicated in this case. He is in

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custody for a period of about six months. There is delay of two days in reporting the matter to the police. The investigation has since been completed. Trial is likely to take time. No useful purpose would be served by keeping him in custody. He has a permanent abode. There are no chances of his absconding. He is ready to abide by the terms and conditions imposed by this Court. As such, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State and the same is taken on record. Learned State counsel has argued that there are specific and serious allegations against the petitioner as not only he wrongfully restrained the minor victim but also voluntarily caused simple hurt to her and had stalked her and sexually harassed her despite disinterest shown by the victim in him. It is also submitted that in the CCTV footage of the camera installed near the place of occurrence, the petitioner was seen holding the hands of the victim and pulling her forcefully and while fleeing on a motorcycle thereafter. The material witnesses are yet to be examined. There are chances of petitioner's intimidating the victim. Rather, another FIR bearing No.1287 has been registered under Sections 195-A and 452 read with Section 34 of IPC as against the parents of the present petitioner who have been extending threats to the victim and her family members to withdraw the complaint as lodged against the present petitioner. With these broad submissions, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record

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carefully.

6. The petitioner is alleged to have sexually harassed and assaulted the victim, stalked her and is also alleged to have pressurized her to perform marriage with her on 19.10.2023. He is in custody since 22.10.2023. Investigation has still been completed. Challan has been presented in the Court. Trial is likely to take time. Keeping in view the period spent by the petitioner in custody, the nature of the subject offences, the fact that there has been delay of two days in reporting the matter to the police and the mother of the petitioner who was also alleged to have participated in the occurrence has been found to be innocent during investigation and had not been challaned and the surrounding facts and circumstances, I am of the opinion that the petitioner deserves to be released on bail at this stage. Therefore, the petition is allowed and the petitioner is ordered to be released on bail subject to the condition that the petitioner or his family members will not try to contact the victim or her family members during the course of trial and shall not intimidate them and subject to the petitioner’s furnishing personal as well as surety bonds to the satisfaction of learned trial Court.
7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

04.04.2024
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(MANISHA BATRA)
JUDGE

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