

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M No.8906 of 2024
Date of Decision: 03.04.2024

ISHWAR SINGHPetitioner

Vs
STATE OF HARYANARespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Rajiv Sidhu, D.A.G., Haryana.

Mr. Sanjay Gahlawat, Advocate
for the complainant.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.78 dated 30.03.2023 registered under Section 4 of the Protection of Children from Sexual Offence Act, 2012 and Section 377 IPC at Police Station Dadri Sadar, District Charkhi Dadri.
2. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegations of having committed a wrongful act upon the child/victim, who happens to be son of the complainant.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the serious nature of allegations leveled against the petitioner as well as considering the age of child/victim. In addition, learned counsel for the complainant has also apprehended threat perception at the

hands of petitioner and his family members and, thus, opposes the grant of regular bail to the petitioner.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, the allegations levelled against the petitioner are of having committing wrongful act upon the child victim, who happens to be son of the complainant; the same has not been even *prima facie* substantiated from the medical evidence available on record and the opinion given by the Doctor in the MLR. The operative part of the said MLR is reproduced hereunder:-

“OPINION

As of now, there is no evidence of any sexual intercourse as no injury, no Lubricant, no Semen present. However the Final opinion will be given after receiving the receipt of reports from RFSL SUNARIA.”

6. In view of aforesaid medical opinion given in the MLR besides age of the petitioner, who is about 80 years of age and behind the bars for the period more than 01 year now; complainant and child/victim already having been examined, I do not find any justification to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. As regards the threat perception expressed by learned counsel appearing on behalf of the complainant, it may be pointed out here that on a

specific query, learned counsel has stated that there is no representation or complaint made in this regard so far before the police authorities, yet considering the nature of dispute involved, the Sr. Superintendent of Police, Charkhi Dadri, District Charkhi Dadri is requested to look into the matter as regards protection of life and property of the complainant and his family. The Trial Court is also requested to conclude the trial as early as possible.

9. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

April 03, 2024
Atik

(HARKESH MANUJA)
JUDGE

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