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

CRM-M-15684-2024

Date of Decision: 30.04.2024

Hamir Chand Dogra

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Prabhjot Singh Waraich, Advocate and
Dr. Khushbir K. Bhullar Waraich, Advocate
for the petitioner.

Mr. Deepender Singh, Additional Advocate General, Punjab.

Mr. Rahul Aggarwal, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner, who is aged about 72 years, has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.0041 dated 15.02.2024 registered under Section 4 of POCSO Act, at Police Station City Kharar, SAS Nagar.

2. The FIR in the present case was got registered by Balwinder Singh son of Babu Ram and the same has been reproduced below:-

“Statement of Balwinder Singh s/o Babu ram R/o Flat No.72C, Darpan City, Kharar, Kharar City, SAS Nagar, Punjab, India age about 41 years stated that I am resident of above mentioned address and I have a son namely Karmanveer Singh aged about 8 years, who is studying at DAV School Sector 39 Chandigarh. On 11.02.2024 I and my wife Amanpreet Kaur were present at home that my son went to the shop of Hamir Chand

Dogra's Karyana Shop for buying Eggs, when my son did not return for about 15-20 minutes then I and my wife went outside the home and saw that my son Karmanveer Singh was coming from the front and he was afraid, it was around 4:30 PM my son told us that the karyana Shop uncle i.e. Hamir chand Dogra has kissed his body parts, Neck and Lips and also he molested his private parts and he made him sit on the chair and hugged him & asked him to kiss him. Upon which he got afraid and got the goods and ran away from there. Then we went to the shop of Hamir Chand Dogra and he started abusing us. Upon which we were having talks regarding settling the matter but it was not settled. Action be taken against Hamir Chand. Sd/- Balwinder Singh..... ”

3. Learned counsel for the petitioner contends that the petitioner had retired from Electricity Department, Himachal Pradesh. He had shifted at the present address in the year 2018, after his retirement and was running a grocery shop at Garden Colony, Near Randhawa Road, Kharar, District SAS Nagar and later on, in the year 2023, he shifted his grocery shop at Flat No.118/A, Ground Floor, Darpan City, Kharar, SAS Nagar, Mohali and had taken the shop from Bittu Singh. In fact, Bittu Singh had a business rivalry with Bhim Sharma, who is also running a grocery shop in the vicinity. He further contends that Bhim Sharma and the complainant are very close friends and the allegations have been levelled by the complainant with a view to settle the score. He further contends that the shop of the petitioner is situated in a thickly populated area and it was impossible for any person to commit such a heinous crime. Learned counsel further contends that on 13.02.2024, Shilpa Dogra, daughter of the petitioner had moved a complaint against Bhim Sharma and certain residents of the society, to the Incharge of Police Station, Kharar and had levelled serious allegations against them. As a counter blast to the said complaint, the petitioner was falsely involved in the present case. He further contends that the petitioner

was arrested in the present case on 15.02.2024 and the challan has already been presented before the Competent Court of law.

4. On the other hand, learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the age of victim in the present case was about 08 years and serious allegations have been levelled against the present petitioner.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, from the record, it is apparent that two days prior to the occurrence, daughter of the petitioner had moved a complaint to the SHO, Police Station, Kharar against Bhim Sharma, close friend of the complainant and other residents of the society, where the petitioner was running a grocery shop. Apart from that, the petitioner is aged about 72 years and is a retired Superintendent of Electricity Department, Himachal Pradesh. Apart from that, the final report under Section 173 Cr.P.C. has already been presented against the present petitioner and further custody of the petitioner will not serve any meaningful purpose.

7. Without commenting 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 bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

30.04.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No