

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M No.18392 of 2024
Date of Decision: 22.04.2024

Rajesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rohit Choudhary, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.(Oral)

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
463	Palla, District Faridabad	354A and 354D of IPC and 12 of Protection of Children from Sexual Offences Act, 2012 and 39 and 192 (1) of Motor Vehicles Act, 1988

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 19.07.2023 on the basis of written complaint filed by the complainant “B” (name withheld) alleging that his 15 years old daughter “R” (name withheld) who was studying in a nearby village used to go there through bus. From the last few days, two youths had been stalking her whenever she used to alight from her school bus and had been making vulgar gestures and harassing her by asking her to disclose her phone number to them. His daughter had apprised him about this fact about two days back. He further alleged that on the same day, his daughter made a call to her

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from the cell phone of her bus driver informing him that those youths were chasing the bus and were again making vulgar gestures to her. On hearing this, he along with Nambardar of his village reached at the bus stop and found the petitioner and the co-accused Sachin present there and by making gestures with sexual intent. He tried to apprehend them but they managed to flee. After registration of FIR, investigation proceedings were initiated. The statement of the victim was recorded under Section 164 of Cr.P.C. The petitioner and co-accused were arrested on 20.07.2023. After completion of usual formalities of investigation, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial. The bail application filed by him before the learned trial Court had been dismissed. He had moved an application for grant of bail before a Coordinate Bench of this Court which was dismissed as withdrawn.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 20.07.2023. The victim and her father have not supported the prosecution version and have turned hostile. The co-accused Sachin has since been extended benefit of bail by the learned trial Court. On the ground of parity, he too deserves to be released on bail. His further detention even otherwise would not serve any useful purpose. Therefore, it is argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that there are serious allegations against the petitioner and, therefore, he does not deserve to be released on bail.

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

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6. The petitioner along with the co-accused is alleged to have sexually harassed the minor victim in the first week of February 2023. The victim and her father have since been examined and copies of their statements have been placed on record by the petitioner as Annexures P-3 and P-4 respectively. A perusal of the same reveals that neither the victim nor her father supported the version of the prosecution with regard to involvement of the petitioner or the co-accused in the subject offences. Both of them have turned hostile before learned trial Court and no incriminating evidence could be extracted from their testimonies. The co-accused has also been extended benefit of bail by learned trial Court vide order dated 15.03.2024 (Annexure P-6). Keeping in view the nature of the evidence which has come on record in the form of statements of the victim and her father, the period of incarceration of the petitioner, on the ground of parity and the surrounding facts and circumstances, in my opinion, the petitioner too deserves to be given concession of bail. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his 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.

22.04.2024
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(MANISHA BATRA)
JUDGE

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