



CRM-M-19895-2024 (O&M) -1-

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19895-2024 (O&M)
Date of Decision: 15.07.2024

SATISH KUMAR

.....PETITIONER

Vs.

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Anuj Kumar, Advocate,
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G. Haryana.

HARPREET KAUR JEEWAN J. (ORAL)

1. This is the 2nd petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 132, dated 20.05.2023, under Sections 354-A (1) (i) and 506 of the IPC and Sections 10 and 8 of the Protection of Children from Sexual Offences, Act, 2012, registered at Police Station Bhattu Balan, District Fatehabad.

2. Learned counsel for the petitioner *inter alia* contends that this is the 2nd petition filed under Section 438 Cr.P.C. The earlier petition filed by the petitioner, i.e. CRM-M-62115-2023, was dismissed as withdrawn, vide order dated 18.01.2024 passed by this Bench.

3. A copy of the aforesaid order has been downloaded by the Reader from the Website of this Court and the same has been seen by me. The same is taken on record.



4. Learned counsel for the petitioner further submits that the petitioner is in custody w.e.f. 17.08.2023. He has been falsely implicated in the present case. The allegation against the petitioner is that he only touched the finger of the prosecutrix. The prosecutrix and her mother both, have been examined before the trial Court. The conclusion of the trial will take time.

5. Notice of motion.

6. Having received advance copy of the petition, Mr. Amrik Singh Narwal, D.A.G. Haryana, accepts notice on behalf of respondent-State.

7. On the other hand, learned State counsel opposes the bail on the ground that the allegations levelled against the petitioner are serious in nature. He has confirmed that out of total 35 witnesses, 03 witnesses have been examined. The victim and her mother had already been examined. However, the statements of the eye witnesses who are student of the same school, are yet to be recorded.

7.1 He has also filed in court today, a custody certificate, dated 13.07.2024, of the petitioner showing that the petitioner has undergone actual period of 10 months and 26 days of custody.

8. I have heard learned counsel for the parties and have gone through the paper-book carefully.

9. Final report under Section 173 Cr.P.C. has already been presented before the trial Court; 3 witnesses out of total 35 have been examined during the trial; the victim and her mother have already been examined; the trial will take some time to conclude; and there is no apprehension of absconding the petitioner during the trial. Without commenting



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on the merits of the case and keeping in view the above facts, the present petition is allowed.

10. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety to the satisfaction of the trial Court/Duty Magistrate concerned.

11. However, the petitioner shall furnish an affidavit by way of an undertaking that he shall not indulge into such kind of activities. The Principal of the school would also ensure that during the pendency of the trial, the petitioner may not be deputed to attend any of the class as a teacher where the prosecutrix and the other witnesses are studying. The undertaking of the Principal of the school to this effect be also obtained before releasing the petitioner on bail.

12. It is made clear that nothing observed hereinabove will be taken to be an observation on the actual merits of the case, which would be gone into by the learned trial Court wholly on the basis of evidence led/gathered before it.

13. Pending miscellaneous application(s), if any, shall also stand disposed of.

July 15, 2024 (HARPREET KAUR JEEWAN)
nitin JUDGE

Whether Speaking	Yes
Whether reportable	No