

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38848-2023 (O&M)

Date of Decision: 10.01.2024

SHISH PAL

.....PETITIONER

Vs.

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Siddarth, Advocate,
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 155 dated 07.12.2022 (Annexure P-1) registered under Section 511 IPC and Sections 10 and 4 of the Protection of Children from Sexual Offences Act, 2012 (added later on).

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case. He is neither named in the FIR nor any role has been attributed to the petitioner. As per the medical report of the victim, no injury was found on the person of the victim. The petitioner is in custody since 07.12.2022 and completion of the trial will take time. As such counsel for the petitioner contends that the petitioner be released on bail.

3. Learned counsel for the State has opposed the bail application on the ground of gravity of the allegations. It was alleged that the age of the victim was 12 years and even she is yet to be examined during trial. In case

the petitioner is released on bail, he is going to interfere in the prosecution evidence.

4. I have considered the contentions raised by the learned counsel for the parties.

5. The case was registered against the petitioner with the allegations that the younger daughter of the complainant is 12 years old and studying in Vth Class. On 06.12.2022 she received a telephonic call from the class teacher of her daughter that her daughter wants to tell something. She went to the school where she was shown a page of her notebook wherein it was written that the petitioner-accused who is residing in their neighbourhood was sexually harassing the prosecutrix for the last about 1 year. The minor victim has further mentioned that when her parents are not at home, the petitioner used to misbehave with her. He used to touch her with bad intention. When her mother goes to the park, the accused used to come to her home pretending her mother that he is having some work and he forcibly used to do wrong act with her and used to touch her different body parts including her place of urination and vagina. The prosecutrix further informed her mother that she could not tell earlier about all the said facts out of fear.

6. The statement of the prosecutrix who is a minor child is yet to be recorded by the trial Court. Possibility of tampering with the evidence cannot be ruled out in case the petitioner is released on bail as he is residing in the neighbourhood of the victim. The allegations against the petitioner are serious in nature. Even the medical examination of the minor child was got conducted wherein she has given the alleged history of inappropriate touch on her private parts and the petitioner is specifically named in the history. As

per the medical report, the possibility of molestation cannot be ruled out. Keeping in view the allegations against the petitioner, no ground is made out for releasing the petitioner on bail, as such, the present petition is dismissed.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

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

January 10, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No