

207/2

2024 : PHHC : 037720

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45183-2023

DATE OF DECISION : 15.03.2024

SANDEEP

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Mukesh K. Sharma, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Ms. Pushpinder Kaur, Advocate for

Mr. S.S.Jattan, Advocate for respondent No.2.

* * *

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. 143 dated 16.05.2023 (Annexure P-1) registered under Section 365 of the IPC, Section 8 of Protection of Children from Sexual Offences Act, at Police Station Sector 14, Panchkula, Haryana.

2. The petitioner is facing trial with the allegations that the minor daughter of the complainant, aged about 15 years was eve-teased by the petitioner along with the co-accused Aman, who is a friend of the brother of the prosecutrix. As per the version of the prosecutrix in her statement (Annexure P-2) on 14.05.2023 at about 10 A.M. she went to her friend Neelam residing at Baltana and the petitioner met her on the way, who tried to attempt eve-teasing with her. She got afraid and rushed to the house of

her friend. She was dropped back on 16.05.2023. There are allegations of

inappropriate touch.

3. Learned counsel for the petitioner contends that petitioner is in custody since 18.05.2023. The statement of the prosecutrix has been recorded during the trial and the charges are only under Section 8 of Protection of Children from Sexual Offences Act.

4. Learned State counsel has confirmed that the petitioner is in custody since 18.05.2023. Final report under Section 173 Cr.P.C. has been filed.

5. I have considered the aforesaid contentions.

6. The investigation of the case is complete. Final report under Section 173 Cr.P.C./challan has already been presented before the trial Court. The statement of the prosecutrix has been recorded during trial. Material witnesses have already been examined. No injury was found as per the medico-legal examination report of the prosecutrix (Annexure P-4). The allegations are of inappropriate touch. The petitioner is in custody since 18.05.2023. The conclusion of trial would take time.

7. In view of the above facts and without expressing any opinion on the merits of the case, the application is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/Chief Judicial Magistrate, concerned.

15.03.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No