

Sr. No.238+112
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-8331-2024 in/and
CRM-M-45839-2023
Date of decision: 06th March, 2024

GURUDEV **.....Petitioner**

versus

STATE OF HARYANA **.....Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Amit Khari, Advocate
for the applicant-petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-8331-2024

Allowed as prayed for. Testimonies of material witnesses are taken on record as Annexures P-6 to P-8, subject to all just exceptions.

CRM-M-45839-2023

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.182 dated 21.04.2023, under Section 12 of Protection of Children from Sexual Offences Act, 2012 (Section 354-A IPC added later on), registered at Police Station Sector 13/17, Panipat, District Panipat (Annexure P-1).
2. The allegations against the petitioner are that on 21.04.2023, the victim, who is studying in VIIth class, came back from school and she was helping her parents. The petitioner, finding the victim to be alone, showed her his private parts and asked her to come. The victim got scared and disclosed everything to her mother and the matter was reported to the Police.

3. Learned counsel for the petitioner *inter alia* contends that the statements of material witnesses have already been recorded. The dispute is actually with regard to a passage. The petitioner has been falsely implicated in this case and he is in custody w.e.f. 03.05.2023. Earlier also, the complainant had lodged two FIRs (Annexures P-2 and P-3). The petitioner is ready to face the trial and he would regularly appear before the trial Court.

4. On the other hand, learned State counsel has opposed the bail on ground of gravity of allegations levelled against the petitioner. Learned State counsel has confirmed that final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have been framed under Section 354-A IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012 vide order dated 05.08.2023 (Annexure R-4).

4.1 Learned State counsel has filed custody certificate of the petitioner/accused, as per which, the petitioner has undergone 10 months and 02 days of sentence and he is not involved in any other case except the present one.

5. I have considered the aforesaid contentions.

6. The statements of material witnesses have already been recorded. Annexures P-6 to P-8 are the testimony of material witnesses recorded by the trial Court. Out of total 14 witnesses, 06 have already been examined. Investigation is complete. Final report under Section 173 Cr.P.C. has already been presented before the trial Court. Conclusion of trial is likely to take time, as such, without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/CJM,

8. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

06th March, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>