

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54673-2023
Date of decision:-06.03.2024

Ramesh Kumar

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Ajay Vijarania, Advocate
for the petitioner.

Mr.Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. This third petition has been filed by the petitioner under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
348	22.05.2020	Hisar Sadar, District Hisar	377, 506, 120-B IPC, 6, 21 of POCSO Act and 75, 82 of Juvenile Justice Act

2. Version of the prosecution is that FIR has been registered on the statement of 15 year old boy (for short – ‘the victim’) stating that his parents are employees of a Government Hospital and reside in a Government

accommodation. For the last three years, he has been a student of a *GURUKUL* and when the Swami of the *GURUKUL* fell sick, children were deputed in groups to guard the school premises. One Ramesh (present petitioner), who accompanied the victim on one such occasion, committed wrong act with him. Ramesh threatened him from disclosing the incident. When the incident was brought to the notice of the teachers of the *GURUKUL*, they pressurized the victim to suppress the truth. Ramesh took advantage of the situation and violated the victim again and an application was moved to the Swami of the *GURUKUL* on WhatsApp, but there was no response. The victim started developing suicidal tendencies and on the persistence of his family members took them into confidence. A complaint was consequently lodged against Ramesh and the teachers of the *GURUKUL*.

3. By making a reference to the testimony of the victim, who has been examined as PW7 on 28.09.2023, Annexure P1, counsel for the petitioner has argued that the victim has not supported the case of the prosecution. On the basis of the deposition, counsel submits that the victim never gave any application to the police levelling any allegation and the petitioner has been falsely implicated. He submits that the first two petitions filed by the petitioner were withdrawn in April, 2021 and August, 2023 prior to the examination of the victim, who is the most vital prosecution witness. He asserts that the petitioner, who has clean antecedents and in custody since 04.06.2020, deserves to be enlarged on bail as the trial is barely halfway.

4. *Per contra*, State counsel, on instructions, has opposed the

petition by urging that there are serious allegations against the petitioner, who is accused of and has been charged for the offences under POCSO Act as well as the Juvenile Justice Act. He contends that the medical evidence is against the petitioner. He has also filed an affidavit of Superintendent of Police, Hisar pursuant to the previous order passed by this Court and submits that 15 out of 27 prosecution witnesses have been examined and the remaining witnesses would be examined expeditiously.

5. I have heard counsel for the parties and considered their respective submissions.
6. Noticing that the petitioner has been in detention for the last more than 45 months; the most crucial prosecution witness i.e. the victim, has been examined; 12 more witnesses are yet to step into the witness box and that there is remote possibility of the early conclusion of the trial, this Court has no hesitation in acceding to the prayer made in the petition.
7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

06.03.2024

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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No