

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64330-2023 (O&M)

Date of Decision: 05.03.2024

LABH SINGH

.....PETITIONER

Vs.

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Dinesh Maurya, Advocate,
for the petitioner.

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

HARPREET KAUR JEEWAN J.

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. 122 dated 08.12.2023 under Sections 509 of the IPC and Section 12 Protection of Children from Sexual Offences Act 2012.

2. It is an allegation against the petitioner that on 08.12.2023 at about 05:30 p.m., the petitioner had been making obscene gestures/signals to the minor victim who is residing in the neighbourhood of the petitioner and was touching his private parts.

3. Counsel for the petitioner *inter alia* contends that the petitioner was arrested contrary to the mandate of Section 41-A Cr.P.C. and contrary to the decision of Hon'ble the Apex Court in **Arnesh Kumar vs. State of Bihar** (2014) 8 SCC 273. The petitioner is in custody since 08.12.2023. 'Challan' has already been presented. He undertakes to regularly appear before the trial Court.

4. Learned State counsel opposed the bail application, on the ground that the statement of the prosecutrix is yet to be recorded. However, this fact is confirmed that the investigation is complete and the final report under Section 173 Cr.P.C. has already been presented before the trial Court.
5. Keeping in view the facts that the final report under Section 173 Cr.P.C. has already been presented before the trial Court; out of total 12 witnesses, none has been examined; the trial will take some time to conclude; and there is no apprehension of absconding the petitioner during the trial, without making any comment on the actual merits of the case, the present petition is allowed.
6. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/Duty Magistrate concerned.
7. Pending miscellaneous application (s), if any, shall also stand disposed of.

March 05, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No