

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No.26129 of 2015

Date of Decision: 02.09.2015

Deepak

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gurinder Singh Goraya, Advocate for the petitioner.

Mr. R.K.Doon, Assistant Advocate General, Haryana
for the respondent along with ASI Ramesh Chand.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail in case FIR No.30 dated 22.04.2014, under Sections 328, 376, 452, 506 and 120-B, IPC and Section 4 of the Protection of Children from Sexual Offences Act (for short 'POCSO Act'), registered with Police Station Jhansa, District Kurukshetra.

As per the allegations in the FIR, the petitioner-Deepak was a facilitator for granting entry to the main accused-Bhagwant Singh in the School where the minor prosecutrix was studying.

Learned Counsel for the petitioner submits that there is no allegation of rape alleged by the prosecutrix. He further submits that although the entire evidence has been led by the prosecution, however, passing of the final order stands stayed, vide order dated 13.02.2015 passed by this Court in Criminal Revision No.466 of 2015 titled as **Bhagwant Singh Vs. State of Haryana**, filed against an order passed

by the trial Court on the application for leading additional evidence. It is further stated that the petitioner is in custody since 10.05.2014 and there is no threat of influencing the prosecution witnesses.

Learned State Counsel, on instructions from ASI Ramesh Chand, does not refute the factual aspect of the contentions.

Without commenting upon the merits of the case, keeping in view the custody period and the facts of the case as noticed above, this Court finds that petitioner/accused-Deepak deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Kurukshetra.

Disposed of.

September 02, 2015

Gagan

**(JASWANT SINGH)
JUDGE**