

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

Criminal Misc.No.M-32949 of 2015

Date of Decision: September 30, 2015

Andeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.D.P.S.Bajwa, Advocate,
for the petitioner.

Mr.Sanjay Kumar, AAG, Haryana.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Andeep, who has been booked for having committed the offences punishable under Sections 376(2)(i) and 452, IPC, and Section 6 of the Protection of Children from Sexual Offences Act, 2012,(for brevity "POSCO Act") in a case arising out of FIR No.148, dated 11.05.2015, registered at Police Station, Sadar, Jind.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value, then also the gravamen of Section 376 (2)(i) IPC and Section 6 of the POSCO Act are not attracted; at best it can be a case of commission of offence punishable under Section 354, IPC; the petitioner, who is aged about 21 years, is neither required nor involved in any other case;

that the petitioner is behind the bars from 13.05.2015; after completion of the investigation, the charge-sheet (challan) has already been presented before the Court below and as such, the further incarceration of the petitioner would not be of any consequence.

Learned counsel for the State has opposed the grant of bail to the petitioner. However, he fairly concedes that the deposition of the prosecutrix has been recorded by learned trial Court.

I have heard the rival contentions of learned counsel for the parties and finds that there is merit in the submission of learned counsel for the petitioner when he argued that applicability of Section 376(2) (i), IPC, and Section 6 of the POSCO Act would be a moot point during trial; the deposition of the prosecutrix has already been recorded and that the petitioner is neither required nor involved in any other case. Hence, the present petition is allowed. Petitioner-Andeep, s/o Balbir Singh, r/o village Bibipur, P.S.Sadar, Jind, now confined in District Jail, Jind, is directed to be released on bail during pendency of trial of the present case subject to his furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jind.

September 30,2015
seema

(Naresh Kumar Sanghi)
Judge

