

Sr. No. 204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-36772 of 2015
Date of Decision: 04.11.2015

Ashok Tanwar

--Petitioner

Vs

State of Haryana

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sanjay Vashisth, Advocate,
for the petitioner.

Mr. M.K.Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 300 dated 21.04.2015 under Section 10 of Protection of Children from Sexual Offences Act, 2012 (POCSO Act), registered at Police Station Civil Lines Hisar, District Hisar, Haryana.

Learned counsel for the petitioner states that petitioner is inside the jail for the last more than two months. Report under Section 173(2) Cr.P.C. has already been presented by the Investigating Agency and the next date of hearing before the learned trial Court is 07.11.2015. He further submits that since charge is yet to be framed, conclusion of trial will take time. He prays for allowing the present petition.

On the other hand, learned counsel for the State on instructions from ASI Mehar Singh, Police Station Civil Lines Hisar,

District Hisar, submits that in view of the statements suffered by the victim at Annexure P-2, under Section 164 Cr.P.C., petitioner is not entitled for bail pending trial at this stage. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the totality of the facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said because the petitioner is inside the jail for the last more than two months and since the charge is yet to be framed, conclusion of trial will take time.

In view of the above and without commenting anything further on the merits of the case at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial, on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

04.11.2015
vandana