

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

CRM-M-38207 of 2015

Date of decision: December 21, 2015

Sushil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Shalini Atri, Advocate for the petitioner.

Dr. Sushil Gautam, DAG, Haryana.

Rajan Gupta, J.(oral)

This is a petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Sections 363, 366-A, 376, 120-B IPC and Sections 8 and 12 of POCSO Act, 2012 at Police Station Matlauda, District Panipat, vide FIR No.236 dated 21.06.2015.

Learned counsel for the petitioner contends that only allegation against the petitioner is that he left prosecutrix and co-accused Mandeep on his motor cycle at the Bus Stand, Panipat. Mandeep, who was having an affair with the prosecutrix, thereafter went to Himachal Pradesh where offence of rape was committed. According to counsel for the petitioner, other role assigned to the petitioner is that co-accused Mandeep used his cellphone for 11 seconds before leaving for Himachal Pradesh. Petitioner is stated to be in custody since 18.8.2015. According to her, prosecution has not been able to produce the prosecutrix before the competent court.

Prayer has been opposed by the State counsel on the ground that allegations are serious. He, however, does not dispute the fact that prosecution has not been able to produce the prosecutrix before the court yet.

Heard.

Keeping in view the facts and circumstances of the case, the role assigned to the petitioner and the period of his incarceration, I am of the considered view that no useful purpose will be served by detaining the petitioner in custody any longer. The trial may take long time to conclude. Thus, without expressing any opinion on the merits of the case, this petition is allowed and the petitioner is directed to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panipat.

(RAJAN GUPTA)
JUDGE

December 21, 2015
'Rajpal'