

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

**CRM-M No. 42771 of 2016
Date of decision: 06.12.2016**

Dinesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Sharad Kumar Yadav, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner pending trial in case FIR No. 198 dated 08.04.2016, registered under Sections 363 and 366-A of the Indian Penal Code and Section 6 of the POCSO Act at Police Station City, District Sonapat.

Counsel for the petitioner contends that as per the first statement of the prosecutrix that was recorded on 08.04.2016, she admitted to getting married to Dinesh-petitioner herein in Hanuman Mandir and also to submitting an affidavit in Court wherein she had given her age as 18 years while also submitting that a false case has been registered against the petitioner at the behest of her parents.

Notice of motion.

Mr. Sharad Kumar Yadav, DAG, Haryana, has appeared on behalf of respondent-State and contested the bail application. He submits that the

prosecutrix is 15 ½ years old and in her statement before the Court, specific allegations have been made against petitioner-Dinesh.

I have heard learned counsel for the parties and while taking note of the fact that the petitioner herein has been in custody since 22.04.2016 and the prosecutrix has been examined, it would be a fit case to grant the concession of regular bail to the petitioner. Out of total 16 witnesses, 9 witnesses have already been examined along with the prosecutrix and since the trial of the case is likely to take some time, no useful purpose would be served in keeping the petitioner in custody furthermore.

Therefore, keeping in view the facts and circumstances of the present case and without expressing any opinion on the merit of the case, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/learned trial Court concerned.

Petition stands disposed of.

December 06, 2016

Ansari

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No