

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

242

CRM-M No.43575 of 2015

Date of Decision:05.01.2016

Satpal

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY.

- 1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No**
- 2. To be referred to the Reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

**Present: Mr.Sandeep Kotla, Advocate,
for the petitioner.**

Mr.B.S.Virk, D.A.G., Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. on behalf of petitioner-Satpal for grant of regular bail in case FIR No.15 dated 28.01.2015, under Sections 363A, 366, 328, 376, 506 IPC & Section 4 of POCSO Act, registered at Police Station Siwani, District Bhiwani.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case, whereas neither his name was mentioned in the FIR nor any role has been attributed to him. The FIR was registered by the father of the prosecutrix. Subsequently, the petitioner has been named by the prosecutrix in the statement recorded under Section 164 Cr.P.C. After registration of the FIR, the prosecutrix was recovered from the company of main accused Sunil. The only allegation against the petitioner is that he managed two bus tickets and the offence under Section 120-B IPC was added. Learned counsel also submits that the prosecutrix is the

cousin sister of the petitioner and the present petitioner has been implicated at the instance of father of the prosecutrix as there was a family dispute between the parties. The agriculture land of the complainant and the petitioner are adjoining to each other. There was an improvement in the statement of the prosecutrix as at that time she was in the company of her father and the allegation of purchasing bus tickets has been levelled. Learned counsel further submits that all material witnesses have been examined as out of total 20 witnesses, 12 have been examined. The petitioner is in custody since 13.03.2015. He is ready to abide by all the terms and conditions to be imposed by this Court or by the trial Court and also undertakes not to put any pressure upon the remaining witnesses. Otherwise also, there is no possibility to influence the remaining witnesses as they are official witnesses.

Learned State counsel has not disputed the custody period as well as the stage of trial, but opposes grant of bail to the petitioner as he facilitated the main accused to commit an offence.

Heard arguments of learned counsel for the petitioner as well as learned State Counsel.

I have perused the FIR and other documents placed on the file including the statement of the prosecutrix recorded under Section 164 Cr.P.C. Undisputedly, the name of the petitioner was not mentioned in the FIR. The main accused Sunil is brother of the petitioner. Sunil along with the prosecutrix visited various places. Subsequently, the prosecutrix was recovered from the company of Sunil. The only allegation against the petitioner is that he arranged two bus tickets for main accused namely Sunil and the prosecutrix and thereafter, Section 120-B IPC has been added due to the allegations levelled in the statement recorded under Section 164 Cr.P.C by the prosecutrix. All the material witnesses have been examined and there is no possibility that the petitioner may influence the remaining witnesses as they are official witnesses.

Keeping in view the submissions made by learned counsel for the petitioner that the petitioner is in custody since

13.03.2015; all the material witnesses have been examined and there is no possibility that the petitioner may influence the remaining official witnesses; the trial may take long time to conclude and no useful purpose would be served by keeping him in custody, the present petition is allowed. The petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case during trial.

(DAYA CHAUDHARY)
JUDGE

January 05, 2016
seema