

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

Crl. Misc. No.M-5180 of 2016

Date of Decision: 04.05.2016

Amit @ Bittu

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

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

Present:- Mohd. Arshad, Advocate
for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.787 dated 22.10.2013 registered under Sections 363, 365, 376-D, 343, 506 IPC, Section 3 of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Section 6/15 of the POCSO Act at Police Station City Bhiwani, District Bhiwani.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, no offence is made out against him. There are total 30 witnesses, out of which, 25 witnesses have been examined. Learned counsel further submits that all material

witnesses have been examined and there is no possibility that the petitioner may influence the remaining witnesses as only the formal witnesses remain to be examined. Petitioner is in custody since 09.12.2013 and no purpose would be served, in case, he is kept behind the bars.

Learned counsel for the respondent-State has not disputed the custody period and also the stage of recording of statements of the witnesses.

In view of the submissions made by learned counsel for the petitioner that the petitioner is in custody since 09.12.2013 and all material witnesses have been examined; the case has been adjourned on various occasions but the remaining witnesses were not examined for one reason or the another and moreover they are not the material witnesses who can be influenced by the petitioner, in case, the petitioner is released on regular bail, the present petition is allowed. The petitioner, namely, Amit @ Bitu is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

04.05.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE