

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

Crl. Misc. M 5417 of 2016 (O&M)
Date of decision: 26.8.2016

Tanish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE A. B. CHAUDHARI

Present: Mr. Chanderhas Yadav, Advocate and
Mr. Rajiv Sharma, Advocate,
for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

A. B. CHAUDHARI, J. (Oral)

Heard learned counsel for the rival parties.

In FIR No. 782 dated 3.8.2015 under Sections 346, 363, 366-A, 343, 506, 120-B IPC and Sections 4 and 12 of the POCSO Act, registered at Police Station Jhajjar, District Jhajjar, the petitioner is seeking bail since he was arrested on 17.8.2015. It is not disputed that challan has been filed in the trial court.

Learned counsel for the State opposes the bail on the ground that that the petitioner is the main accused in the first place and secondly the prosecutrix was minor being 17 years and 2 months old.

It is clear that the petitioner is in jail since 17.8.2015 and the trial has not proceeded.

Learned counsel for the State submits that in all 23 witnesses will be examined and yet nobody has been examined.

Learned counsel for the petitioner states that the prosecutrix has got married and she is living in some other place.

Be that as it may, looking to the marginal difference of age for attainment of majority and looking further to the fact that the petitioner has been in custody since 17.8.2015, I think by putting conditions the petitioner can be enlarged on bail.

This Court on the last date 4.7.2016 recorded that since the prosecutrix was yet to be examined, the petition was adjourned. Today learned counsel for the State submits that the prosecutrix has not been examined.

In that view of the matter, the petition is allowed. Bail to the satisfaction of the trial court. The petitioner shall not tamper with the prosecution witnesses nor with the evidence of the prosecution.

Learned counsel for the petitioner makes a statement that the petitioner shall not enter Tehsil Farukhnagar, including village Kharkhadi till trial is completed and shall not tamper with the prosecution evidence. He also states that he will not apply for the modification of this condition.

26.8.2016
prem

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No