

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Criminal Misc. No.M-6547 of 2016

Date of decision: 26th April, 2016

Amit

....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. Manjeet Singh, Advocate for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana.

DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner-Amit in case FIR No.171 dated 10.09.2015 registered under Section 354 of the Indian Penal Code, Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67 of the Information Technology Act, 2000 at Police Station Bond Kalan, District Bhiwani during pendency of the trial.

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 was delay of six months in lodging of the FIR which has not been explained. Co-accused of the petitioner, namely, Deepak @ Chhotu has already been granted regular bail in **Criminal Misc. No.M-2890 of 2016** on 29.01.2016 and the petitioner is in custody since

21.09.2015. Moreover, the prosecutrix has not supported the case of the prosecution and there is no possibility that the petitioner may influence the other prosecution witnesses. The trial may take long time to conclude and no useful purpose would be served by keeping him behind the bars.

Learned State counsel has not disputed the custody period and also the fact that the prosecutrix has not supported the case of the prosecution.

Admittedly, co-accused of the petitioner, namely, Deepak @ Chhotu has already been granted regular bail in **Criminal Misc. No.M-2890 of 2016** on 29.01.2016. On perusal of the statement of the prosecutrix, it is also apparent that she has not supported the case of the prosecution. Moreover, the prosecutrix has also denied lodging of the FIR against the present petitioner.

In view of the submissions made by learned counsel for the petitioner, keeping in view the statement of the prosecutrix and also the fact that co-accused, namely, Deepak @ Chhotu has already been granted regular bail in **Criminal Misc. No.M-2890 of 2016** on 29.01.2016; the petitioner is behind the bars since 21.09.2015 and no purpose would be served by keeping him in custody, the present petition is allowed and the petitioner, namely, Amit is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

April 26, 2016

sonia gugnani