

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-281-2017

Date of Decision:- 16.01.2017

Kamal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Maharaj Kumar, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

RITU BAHRI, J. (Oral)

Present petition is for release of petitioner on regular bail in FIR No.147 dated 15.02.2016, under Sections 363, 366A and 376 IPC and Section 4 of the POCSO Act, 2012, registered at Police Station Sadar Karnal.

Learned counsel for the petitioner has produced on record statement recorded under Section 164 Cr.P.C. in which she stated that she had performed the marriage with her free will and was residing with the petitioner for 1 ½ months as his wife in a room which was taken on rent. Moreover, the petitioner is in custody since 30.03.2016 and no useful purpose would be served to further detain him in jail.

Perusal of order dated 23.11.2016 whereby Additional

Sessions, Karnal has declined the regular bail to the petitioner shows that

the prosecutrix in her statement recorded under Section 164 Cr.P.C. had stated that she had willingly accompanied the accused, however, while appearing as PW1 she supported the prosecution version.

Learned State counsel, on instructions from investigating officer, has informed that out of total 14 witnesses, only 7 witnesses have been examined so far.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

The petitioner was arrested on 30.03.2016. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. The final conclusion of trial will take a long time.

In view of above facts, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Judge/Duty Magistrate, Karnal.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner.

January 16, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No