

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

Crl. Misc. M-35226 of 2017 (O&M)
Date of Decision: December 15, 2017

Karan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Bijender Dhankhar, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

Mr. Ravinder Hooda, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.307 dated 11.06.2016, under Sections 363, 366-A, 376-D, 120-B of the Indian Penal Code and Section 6 of POCSO Act (offences under Sections 376-D, 120-B of IPC and Section 6 of POCSO Act added later on) registered at Police Station Hodal, District Palwal.

Learned counsel for the petitioner contends that during investigation conducted by the DSP, Hodal, the petitioner herein was found

to be innocent and kept in column No.2. It is subsequently that an application under Section 319 Cr.P.C. was filed and the petitioner herein has been summoned along with two others to face the trial as accused. It is also contended that nothing is to be recovered from the petitioner and he is ready to join the proceedings before the trial court.

Per contra, learned counsel appearing on behalf of the respondent-State as well as counsel for the complainant, oppose the grant of anticipatory bail, while submitting that offences alleged against the petitioner are serious in nature.

I have heard learned counsel for the parties and perused the record.

In the instant case trial has already been commenced and it is after recording the statements of the complainant and prosecutrix as PW9 and PW11 respectively that an application under Section 319 Cr.P.C. was filed, which came to be allowed on 29.08.2017. Resultantly, the petitioner herein along with two other persons have been summoned to stand for the trial along with accused Mahender.

In view of the facts that the petitioner herein is not required for the custodial interrogation and that he is ready to join the proceedings before the trial court, no useful purpose would be served by sending the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is being allowed and the petitioner herein is directed to surrender/appear before the trial court within a period of 10 days from today and on his doing so, he be released on bail by the trial court to its satisfaction. Needless to say in case, the petitioner herein fails to

comply with the direction being issued by this court, the instant petition shall be deemed to be dismissed.

The petition in hand stands allowed, with the aforesaid directions.

December 15, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No