

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

**CRM-M-42202-2017
Date of decision: 14.11.2017**

Gaurav Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Abhinav Sood, Advocate
for the petitioner.

Mr. P. P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 589 dated 19.10.2016, under Sections 363, 366-A of the IPC and Section 4 of the POCSO Act (Sections 5 and 6 of the POCSO Act added later on), registered at Police Station Hodal, District Palwal.

Counsel for the petitioner contends that there is a discrepancy in the statement of the prosecutrix with the FIR and also relies upon the statement given by the prosecutrix under Section 164 Cr.P.C. before the Magistrate in which she has stated that she went of her own free will and no wrongful act had been committed upon her. Counsel for the petitioner further contends that the petitioner has been in judicial custody since 22.10.2016 and the trial is likely to take some time and on this ground, the petitioner would be entitled to be enlarged on regular bail.

Mr. P. P. Chahar, DAG, Haryana, has appeared on behalf of respondent-State and contested the bail application. He opposes the grant of

regular bail to the petitioner who submits that the age of the prosecutrix is 16 years and as per the medical report, possibility of sexual activity could not be ruled out.

I have heard learned counsel for the petitioner and in view of the fact that petitioner is in custody since 22.10.2016, no useful purpose would be served in keeping the petitioner behind bars furthermore since the trial of the case is likely to take some time.

Therefore, keeping in view the facts and circumstances of the present case and without expressing any opinion on the merit of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/learned trial Court concerned.

Petition stands disposed of.

14.11.2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No