

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

Crl. Misc. No.41177-2017 in/and
Crl. Misc. M-43019 of 2017 (O&M)
Date of Decision: December 19, 2017

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dhruv Gupta, Advocate
for the applicant-petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

CRM-41177-2017

Allowed as prayed for.

Amended petition is taken on record.

Main case

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.28 dated 25.01.2017, under Sections 363, 366-A, 376 of Indian Penal Code and Section 6 of POCSO Act, registered at Police Station Sector 14, District Panchkula.

Learned counsel for the petitioner contends that the petitioner

herein was taken into custody in the aforesaid FIR on 27.01.2017. It is submitted that the petitioner is falsely implicated in the present case. It is argued that statement of the prosecutrix has been recorded under Section 164 Cr.P.C., in which she has stated that she left the parental home of her own accord, on the promise made to her by the petitioner that he would solemnize a marriage with her. It is also contended that statement of material witnesses including the prosecutrix has been recorded, therefore, the petitioner is entitled to the enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer opposes the grant of regular bail to the petitioner, while submitting that out of total 14 witnesses, 04 witnesses have been examined including the prosecutrix.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 27.01.2017 and that statement of material witnesses including the prosecutrix has been recorded, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

December 19, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No