

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

CRM -M-46581 of 2017 (O&M)

Date of decision: 22.12.2017

Ajay Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Virk, Advocate for
Ms. Garima Sharma, Advocate for the petitioner(s).

Mr. Arun Kumar, AAG, Haryana.
assisted by ASI Ramesh.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 288 dated 05.11.2016, registered under Sections 366-A and 120-B of IPC and Sections 4 and 12 of Protection of Children from Sexual Offences Act, 2012, at Police Station Mahesh Nagar, Ambala Cantt.

Complainant heard in person. She states that the FIR was registered under mistaken belief and she was uncertain about the antecedents of the petitioner. She informs that the age reflected in the FIR was also against the record as in fact, the prosecutrix is 22 years of age. The victim, who was initially lodged in Nari Niketan is also presently residing with her.

Learned counsel for the petitioner states that the prosecutrix

and the complainant have not supported the prosecution version. The petitioner is not involved in any other FIR and he is in custody since 26.07.2017.

On the other hand, the learned State counsel opposes the bail application.

Heard.

Considering the version of the complainant and the fact that out of 16 PWs, only 05 PWs have been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of CJM/Duty Magistrate/trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

22.12.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No