

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5097-2017

Date of Decision:- 23.02.2017

Mohan Lal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Vimal Kumar Gupta, 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.156 dated 15.08.2016, under Sections 342, 365, 376(2)(d) IPC, Section 3 of SC & ST Act and Section 4 of POCSO Act, registered at Police Station Sadar Kaithal, District Kaithal.

Learned counsel for the petitioner submits that earlier co-accused of the petitioner, namely, Saurabh, has filed the regular bail before this Court by way of CRM-M-38435-2016 (Annexure P-5) whereby while allowing the petition it has been observed that date of birth of prosecutrix is 11.12.1999 and at the time of alleged incident, she was about 17 years old. It has been also observed that as per reply filed by DSP (HQ), Kaithal, the prosecutrix and Mohan Lal were friends before the incident as

Learned State counsel on instructions from ASI Balbir Singh, has informed that prosecutrix and present petitioner was in relationship and this fact is evident from the photographs (Annexure P-1). Moreover, now the trial is fixed for 21.03.2017 for recording the evidence of the complainant.

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 21.08.2016. 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, Kaithal.

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

February 23, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No