

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

**CRM No. M-5369 of 2017
Date of decision: 23.05.2017**

Santosh **Petitioner.**
Versus
State of Haryana **Respondent.**

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jangvir S. Hooda, Advocate, for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for grant of bail pending trial in FIR No. 664 dated 28.09.2016 registered under Sections 363,366-A of the Indian Penal Code (for short 'IPC') and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') at Police Station Sadar Palwa, District Palwal.

It is submitted that the petitioner has been falsely implicated in this case because he has solemnized marriage with the complainant's daughter on 26.09.2016. The alleged victim in her statement under Section 164 Cr.P.C. recorded on 30.09.2016 clearly stated that she accompanied the petitioner out of her own free will and volition. They got married at Kalkaji and thereafter stayed together at Ballabgarh. She denied that the petitioner violated her person in any manner. It is further submitted that the alleged victim has reiterated the said statement while testifying before the learned trial Court. The petitioner, it is submitted has been in custody since September, 2016. Therefore, this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State on instructions from ASI Dharampal, Police Station Sadar Palwa, District Palwal does not deny the factual position as above. It is verified that the petitioner is not involved in

any other criminal case. It is only the alleged victim and her mother, who have been examined. Thirteen witnesses are yet to be examined by the prosecution. Trial in this case is not likely to conclude in the near future. The petitioner is not involved in any other criminal case. Keeping in view the facts and circumstances of the case noted above, no useful purpose would be served by keeping the petitioner incarcerated any longer. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Therefore, without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition.

Consequently, the petitioner shall be released on bail pending trial in case FIR No. 664 dated 28.09.2016 registered under Sections 363,366-A of the IPC and Section 4 of the POCSO Act at Police Station Sadar Palwa, District Palwal subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

(LISA GILL)
JUDGE

23.05.2017

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Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*