

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

CRM No. M-5638 of 2017 (O&M)

Date of decision: 21.03.2017

Bir Singh

..... Petitioner.

Versus

State of Haryana

..... Respondent.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.S. Kundu, Advocate, for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for grant of bail pending trial in FIR No. 34 dated 20.05.2016 registered under Section 506 of the Indian Penal Code (for short 'IPC') and Section 10 of the POCSO Act, at Police Station Women Rohtak

It is submitted that the above said FIR has been lodged at the behest of the petitioner's estranged wife. No such incident took place to attract the offences as mentioned in the FIR. The complainant is the petitioner's own daughter. It is stated that the alleged occurrence is stated to have taken place one year prior to the lodging of the FIR. The petitioner's wife is living apart from the petitioner since the year 2013. The complainant was living with her grandparents till 17.07.2015. The present FIR has been registered after the complainant started living with her mother. Prior thereto the petitioner's daughter i.e. the complainant had suffered a statement before the learned Judicial Magistrate 1st Class, Rohtak in proceedings initiated by the petitioner against his wife. Reference is made to the said statement annexed as Annexure P-4. It is further submitted that the learned trial Court had declined the concession of bail only on the ground that the mother of the

complainant was yet to be examined. As of now the complainant as well as her mother have testified before the learned trial Court. Therefore, this petition be allowed.

Learned counsel for the State on instructions from SI Bimla Devi affirms that the complainant as well as her mother i.e. the petitioner's wife have since been examined before the learned trial Court. Seven out of thirteen prosecution witnesses have been examined.

Keeping in view the factual matrix of this case, no useful purpose would be served by keeping the petitioner incarcerated any longer. The trial in this case is not likely to conclude in the near future. 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. 34 dated 20.05.2016 registered under Section 506 of the IPC and Section 10 of the POCSO Act, at Police Station Women Rohtak subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

None of the observations in this order shall be construed to be a reflection on the merits of the case and shall have no bearing on the trial.

(LISA GILL)
JUDGE

21.03.2017
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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*