

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

Crl. Misc. M-14659 of 2018 (O&M)
Date of Decision: April 25, 2018

Asmohammad @ Musta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.K. Verma, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.153 dated 29.08.2017, under Sections 376, 354, 366-A, 34 of Indian Penal Code and Section 12 of POCSO Act, registered at Police Station Bound Kalan, Distrit Charkhi Dadri.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 01.09.2017. It is submitted that the petitioner is falsely implicated in the present case and the allegations, if any, are against one Monu and it is only subsequent thereto after two days of registration of the FIR that the allegations have been made against him. It is also contended that out of total 14 witnesses, 03 witnesses

have been examined, including the prosecutrix and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular to the petitioner, while submitting that the offences alleged against the petitioner are grievous in nature.

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 01.09.2017 and that statement of the prosecutrix has already 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.

April 25, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No