

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

**CRM-M-16080-2018
Date of decision: 27.04.2018**

Avtar Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vibhor Bansal, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 0144 dated 20.05.2017, under Section 3 of SC/ST Act; Section 4 of the POCSO Act; registered at Police Station Chandi Mandir, Panchkula, wherein charges have been framed under Section 4 of the POCSO Act and Section 3(1)(xi) of SC/ST Act.

It is contended by learned counsel for the petitioner that the petitioner has falsely been implicated in this case and he is in custody since 21.05.2017. It is also contended that the prime witnesses i.e. mother and father of the victim as well as eye-witness have turned hostile and have not supported the case of the prosecution. It is prayed that the petitioner should be enlarged on regular bail since the trial is likely to take some time.

Ms. Gaganpreet Kaur, AAG, Haryana, has appeared on behalf of respondent-State and contested the bail application. She opposes the grant of regular bail to the petitioner, however, is not in a position to dispute

that the prime witnesses have turned hostile.

I have heard learned counsel for the parties.

Since the petitioner is in custody since 21.05.2017; prime witnesses have turned hostile and the trial is likely to take some time, no useful purpose would be served in keeping him in custody furthermore. Hence, the present petition is accepted. The petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, any opinion expressed herein is for the purpose of grant of regular bail and not an opinion on the merits of the case.

27.04.2018

Waseem Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No