

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

Crl. Misc. M-22459 of 2018 (O&M)
Date of Decision: May 29, 2018

Daljit @ Banka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Devender Arya, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG 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.124 dated 24.05.2017, under Section 342 of Indian Penal Code and Section 10 of POCSO Act, registered at Police Station Sector 14 Panchkula, District Panchkula.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 24.05.2017. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that as on date, despite the charges having been framed, no evidence has been recorded. In fact, the prosecutrix was served, but she did not put in appearance and thereafter,ailable warrants have also been

issued, but to no effect. It is also contended that 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 Investigating Officer, opposes the grant of regular bail to the petitioner, however, he is not in a position to dispute the fact that no evidence has been recorded and the prosecutrix has not come forth.

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 24.05.2017 and that the prosecutrix is not coming forth to have her statement 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.

May 29, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No