

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

Crl. Misc.M-24503-2018 (O&M)

Date of Decision: July 02, 2018

Bajrang Giri

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vishwajeet, 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.53 dated 18.09.2017, under Sections 365, 376-D, 506 of Indian Penal Code and Section 6 of the POCSO Act, registered at Police Station Women, Kaithal, District Kaithal.

At the very outset, the learned Counsel for the petitioner seeks liberty of this Court to rectify and delete 3 lines mentioned in para 7 of the present petition wherein it is mentioned that co-accused has been granted bail by this Court.

Permitted to do so under his signatures in the Court itself today.

Learned counsel for the petitioner further contends that the petitioner herein was taken into custody in the aforesaid FIR on 14.10.2017.

It is submitted that the petitioner have been falsely implicated in the present case. It is also contended that in the initial statement recorded, allegations of offence under Section 376 have been raised against Arman, Gurjeet Singh and two unknown boys and therefore, it is in the supplementary statement that the name of the petitioner was brought in. It is contended that even in the report of the Forensic Science Laboratory, Madhuban, the human semen detected was of Gurdeep and Karan and not of the petitioner herein while further submitting that the petitioner is incarcerated for a period of approximately 10 months and the conclusion of trial will take sufficient time. It is argued that 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, opposed the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, he does not dispute the fact that the petitioner's name has been added subsequently in the FIR on the supplementary statement of the complainant.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the fact that the petitioner herein has been in custody since 14.10.2017 and that the FSL report did not find any human semen of the petitioner herein, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without going into 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. Any observation made herein is only for the purpose of regular bail and not on the merits of the case.

July 02, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No