

Sr. No. 208

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

**CRM-M-26162-2018
Date of decision: 21.06.2018**

Gurjant Singh

.....Petitioner

versus

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

**Present: Mr. Amit Khatkar, Advocate
for the petitioner(s).**

Rajbir Sehrawat, J.(Oral)

Present petition has been filed for seeking regular bail under Section 439 Cr.P.C. in FIR No. 192 dated 21.12.2017 under Sections 365, 376, 506 IPC and Section 6 POCSO Act 2012.

Learned counsel for the petitioner has contended that the petitioner is not involved in the case at all. False case has been registered against the petitioner. It is submitted by him that bare perusal of the FIR shows that his name is not mentioned in the same. Not only that, even in the statement recorded by the prosecutrix under Section 164 Cr.P.C, neither petitioner was named nor his involvement was otherwise indicated by the prosecutrix. Learned counsel further submits that while appearing as witness before the Trial Court also she has not deposed anything against the petitioner. As PW-I before the Trial Court she has only repeated the version given by her in her statement recorded earlier under Section 164 Cr.P.C. Even the father of the prosecutrix while appearing as PW-2 before the Trial Court has not suggested any role of the petitioner in the crime. It is further contended that the petitioner is in custody since December 27, 2017.

Notice of motion.

On the asking of the Court, Shri Surender Singh, AAG, Haryana who is present in Court accepts notice on behalf of the State of Haryana and submits that during the investigation the role of the petitioner has surfaced because the prosecutrix had made a statement under Section 161 Cr.P.C involving the name of the petitioner. It is submitted that the prosecution had already started evidence and trial is likely to be concluded in the near future.

Having heard learned counsel for the parties, this Court is of the considered opinion that prima facie the petitioner does not appear to be involved in the case. None of the statement made by the prosecutrix suggests the involvement of the petitioner in the crime. Even the father of the prosecutrix; on whose instance FIR was recorded, does not implicate the petitioner in the crime. Therefore, at this stage there is nothing suggestive of involvement of the petitioner in the crime. Moreover there are total 22 witnesses and only 3 witnesses have been examined by the prosecution so far. The trial is likely to take a longer time to conclude. Therefore no useful purpose would be served by keeping the petitioner in custody; because the prosecutrix and other witnesses; namely, the father of the prosecutrix who had lodged the FIR; had already been examined by the prosecution.

In view of the above, the petitioner is granted the concession of regular bail during the pendency of the trial. He be released on bail subject to furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

21st June, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>