

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

Crl. Misc. M-25494 of 2017 (O&M)  
Date of Decision: February 02, 2018

Akash

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. N.L. Sammi, Advocate  
for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

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**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.178 dated 15.04.2017, under Sections 365, 506 of Indian Penal Code and Section 6 of POCSO Act, registered at Police Station Kharkhoda, District Sonapat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 19.04.2017. It is argued that in the initial statement that had been recorded by the prosecutrix, she had only named Rahul and Shanu as the persons, who had committed rape upon her and in the disclosure statement of Rahul, the petitioner herein has been roped in. It is submitted that the prosecutrix has not directly named him and talks of the third person and the main accused

Rahul and Shanu are in custody. It is also argued that the prosecution witnesses are avoiding summons in an attempt to delay the trial and the trial court has issued non-bailable warrants against them. It is also contended that the conclusion of trial is likely to 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, while submitting that the offences alleged against the petitioner are serious in nature, therefore, the petitioner is not entitled to grant of regular bail.

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 19.04.2017 and that the prosecution witnesses are not turning up to give their statements, because of which non-bailable warrants have been issued against them, 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.

**February 02, 2018**

*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No