

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

CRM-26662-2018 in/and
Crl. Misc.M- 27306-2018 (O&M)
Date of Decision: August 07, 2018

Abhimanyu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ketan Antil, Advocate
for the applicant- petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

CRM-26662-2018

Allowed, as prayed for.

Main case:

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 99 dated 18.02.2018, under Sections 10, 12 of the POCSO Act and Section 06 of POCSO Act added later on, registered at Police Station City Rohtak.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 19.02.2018. It is submitted that the petitioner has been falsely implicated in the present case and he has been wrongly incarcerated in the said FIR. It is also

contended that material witness i.e. the prosecutrix has since been examined and 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 the Investigating Officer opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, therefore the petitioner is not entitled for grant of regular bail, however, she does not dispute the fact that the statement of the prosecutrix has since been recorded.

I have heard learned counsel for the parties.

In view of the fact that the trial is likely to take some time as out of 11 witnesses summoned, only 03 witnesses have been examined and also that the material witness has since been examined, the petitioner is no more required for custodial interrogation.

At this stage, without expressing any opinion on the merits of the case, the instant petition is allowed since the trial is likely to take time to conclude as only 03 out of 11 summoned witnesses have been examined. Moreover the petitioner has been in custody since 19.02.2018 and material witness has been examined. 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.

August 07, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No