

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

Crl. Misc.M-29927-2018 (O&M)

Date of Decision: September 28, 2018

Sunil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rakesh Kumar, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, 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.96 dated 14.03.2017, under Sections 365, 376-D, 506 of Indian Penal Code and Section 6 of the POCSO Act, registered at Police Station Sadar, District Sonapat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 16.03.2017. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the statement of the prosecutrix has been recorded wherein she has turned hostile and that the 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, however, she does not dispute the fact that the statement of the prosecutrix has been recorded and she had turned hostile.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 16.03.2017 and that the statement of the prosecutrix has been recorded wherein she has turned hostile and has not identified the petitioner, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without expressing any opinion 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.

September 28, 2018

seema

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No