

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

Crl. Misc.M-37606-2018 (O&M)

Date of Decision: September 05, 2018

Om Parkash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Balraj Sharma, 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. 106 dated 13.09.2017, under Sections 376-(D)N, 354, 120-B, 34 of Indian Penal Code and Section 6 of the POCSO Act, registered at Police Station Women Jind, District Jind.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 14.09.2017. 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 in which she has not supported the version of the prosecution and that the co-accused Anil alias Kala and Rajesh alias Raju have been allowed bail in CRM-M-34374-2018 and CRM-M-11965-2018 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, oppose 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 statement of the prosecutrix has since been recorded and she has resiled from the version of the prosecution.

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 14.09.2017 and that the statement of the prosecutrix has been recorded in which she has not supported the version of prosecution and two other co-accused have been allowed bail, 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 05, 2018

seema

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No