

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

**CRM-M No. 41126 of 2018
Date of Decision:-24.09.2018**

Ankush Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.S. Saroha, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail pending trial to the petitioner in case FIR No.179 dated 26.3.2018, registered under Sections 363, 366A and 120-B IPC and under Section 4 of the Protection of Children From Sexual Offence Act, 2012 (Section 120-B IPC and Section 4 of POCSO Act added later on), Police Station Samalkha, District Panipat.

Learned counsel for the petitioner herein contends that the allegations of rape or any offence under Section 4 of the Protection of Children From Sexual Offence Act, 2012 have not made out against him in the FIR and he is only charged by invoking Section 120-B IPC. It is argued

that he has been in custody since 19.4.2018 and investigation in the matter is complete.

Learned State counsel opposes the grant of bail by stating that statement of the prosecutrix is yet to be recorded.

I have heard learned counsel for the petitioner and on reading of the FIR, prima facie it appears that no allegations of rape has been made against the petitioner herein and the trial is likely to take some time to conclude.

Without going into the merits of the case and keeping in view the fact that no allegation of rape has been levelled against him and the trial is likely to take some time to conclude, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

September 24, 2018
Vijay Asija

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No