

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

Crl. Misc. M-4441 of 2018 (O&M)
Date of Decision: March 21, 2018

Mohsin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.S. Rathee, 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.1265 dated 11.12.2016, under Sections 363, 366 of Indian Penal Code and Section 6 of POCSO Act, registered at Police Station Chandnibagh, Panipat, District Panipat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 16.03.2017. It is argued that the prosecutrix had initially given a statement that she has married to the petitioner herein of her own consent and that she wanted to reside with him, however, later on she resiled from the said statement on 16.03.2017. It is also contended that out of total 22 witnesses, 03

witnesses have been examined and conclusion of trial will take sufficient time, as an application under Section 319 Cr.P.C. has been moved by the prosecution, 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, however, does not dispute the fact that out of total 22 witnesses, 03 witnesses have been examined and now an application under Section 319 Cr.P.C. has been preferred.

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 16.03.2017 and that out of total 22 witnesses, 03 witnesses have been examined and the matter is now pending for consideration on the application under Section 319 Cr.P.C., 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.

March 21, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No