

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

Crl. Misc. No.M-46258 of 2017

Date of decision : 12.02.2018

Mohit

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Namit Sharma, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Ashok Bhardwaj, Advocate
for the complainant.

ANITA CHAUDHRY, J.

Through the instant petition the petitioner is seeking regular bail in FIR No.104 dated 25.05.2017, registered under Sections 305, 120-B 452, 34 IPC and Section 12 of POCSO Act, Police Station Sanoli, District Panipat.

Counsel for the petitioner contends that the petitioner is in custody since 20.05.2017 and he was not named in the FIR. The counsel further submits that he was named by the co-accused as the person who was standing outside.

The State counsel urges that though the petitioner was not named in the FIR and it was the other Mohit who had entered the house to meet the victim but the main accused named Mohit who was in constant

touch with the petitioner, who was standing outside and guarding the house and they have taken out the call records to show that there were constant calls around 11:00 PM.

The petitioner was not named in the FIR. The allegations are that Mohit son of Subhash entered the house to meet the girl. The family got up and Mohit son of Subhash ran out of the house. Subsequently, the girl committed suicide. The parents had shifted the girl to Prem Hospital for treatment. It is thereafter, that the FIR was registered under Section 306, 452 IPC and Section 12 of the POCSO Act.

There are no allegations that the petitioner had entered the house. There are no allegations by the family that he was standing outside. It is the co-accused who had named him, though the charge had been framed in August 2017 not a single witness has been examined. The trial is going at a very slow pace. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

12.02.2018

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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It has been brought to my notice that the above mentioned petition was decided by this Court vide order dated 12.02.2018 and bail was allowed to the petitioner. However, in the title of the final order, inadvertently year of the case was mentioned as 2018 instead of 2017.

Perusal of the order shows that while recording the final order of the aforesaid case, in the title of the final order, inadvertently year of the case was mentioned as 2018 instead of 2017. It appears to be a purely typographical mistake. Therefore, year in the above said order be corrected and correct order be uploaded on the website. This order be made part of the final order.

(Anita Chaudhry)
Judge

14.02.2018
Sunil