

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

CRM-M- 51218-2018 (O&M)

Date of Decision: November 27, 2018

Vikram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.C. Shahpuri, 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.80 dated 31.07.2018, under Sections 354, 354-D, 354-A, 506, 190 of Indian Penal Code and Section 8 and 12 of the POCSO Act, registered at Police Station Women Panipat, District Panipat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 04.08.2018. It is submitted that the petitioner has been falsely implicated in the present case while also relying upon the statement of the prosecutrix under Section 164 Cr.P.C. wherein she had clearly submitted that she was in friendship with the petitioner herein and that her parents were opposed to their friendship which resulted in the registration of the present FIR. It is further contended that she had specifically stated before the Magistrate that she wanted to

marry the petitioner herein. It is also contended that an opportunity was granted to the the prosecutrix and her family members to appear and depose on 31.10.2018, however, they failed to put in an appearance 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 statement of the prosecutrix has been recorded under Section 164 Cr.P.C.

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 04.08.2018 and that the statement of the prosecutrix has been recorded, 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.

November 27, 2018

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No