

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

Crl. Misc.M-9240-2018(O&M)

Date of Decision: July 26, 2018

Dalsher

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pranjal Chaudhary , 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.177 dated 30.09.2013, under Sections 376-D, 365, 216 of Indian Penal Code and Section 6, 17 of the POCSO Act, registered at Police Station Pillukhera, District Jind, Haryana.

Learned counsel for the petitioner herein contends that the prosecutrix has materially changed her statements while submitting that he has been in custody in the aforesaid FIR on 13.08.2016. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the statement of the complainant has been recorded and 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, she does not dispute the fact that statement of the prosecutrix has been recorded and that trial is likely to take some time since only 12 witnesses out of 30 have been examined.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time as only 12 witnesses out of 30 have been examined and in view of the facts that that the petitioner herein has been in custody since 13.08.2016 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.

July 26, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No