

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

Crl. Misc. M 56148 of 2018 (O&M)
Date of decision: 21.12.2018

Vipin

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Amardeep Sheoran, Advocate,
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The petitioner herein has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No. 25 dated 29.4.2018, under Sections 354A (ii), 451, 506, 34 IPC and Section 8 of the POCSO Act, registered at Women Police Station, District Bhiwani.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he is in custody since 17.5.2018. It is contended that false implication is evident from the fact that the complainant is not coming forward to get her statement recorded despite several opportunities having been granted for this purpose. It is submitted that as per zimni order dated 12.10.2018, charges were framed on 3.7.2018 and thereafter the case was fixed for prosecution evidence on 10.7.2018, 21.7.2018, 3.8.2018, 20.8.2018 and 10.9.2018 but still the complainant is

coming to have her statement recorded. Now she has been summoned through bailable warrants. It is also contended that the trial is likely to take some time and no useful purpose would be served by keeping the petitioner behind bars till the conclusion of the trial. He prays that the petitioner be admitted to regular bail.

Per contra, learned counsel appearing on behalf of the respondent—State opposes the bail application, while submitting that the allegations levelled against the petitioner are of serious nature but he is not able to deny the fact that the complainant is not coming forward to get her statement recorded despite several opportunities having been granted in this regard.

Without going into the merits of the case and keeping in view the fact that the complainant is not coming forward to get her statement recorded despite the fact that charges were framed on 3.7.2018 and thereafter the trial has been adjourned on a number of occasions for recording her statement 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.

21.12.2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No