

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-4822-2019

Date of Decision:11.03.2019

Gurdev

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Kumar Pardeep, Advocate,
for the petitioner.

Ms. Mahima Yashpal, A.A.G., Haryana.

Mr. R.S. Dhull, Advocate for
Mr. Shokeen Singh Verma, Advocate,
for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.33 dated 12.07.2018 under Sections 120-B, 343, 363, 366-A, 376-D, 506 IPC and Section 6 of the POCSO Act, 2012, registered at Women Police Station, Kaithal, District Kaithal, Haryana.

Power of attorney filed on behalf of the complainant in Court today, is taken on record.

Learned counsel for the petitioner states that the petitioner is in custody since 26.10.2018 and there is no allegation against him that he ever committed any sexual assault on the person of the complainant/prosecutrix.

Moreover, the prosecutrix got married with Ajay. The offence if any

including Section 6 of the POCSO Act, the same has been committed by Ajay.

Learned counsel for the complainant has argued that the petitioner has not only provided room to the co-accused Ajay, who committed sexual assault on the prosecutrix, rather he guarded the room from outside.

Learned State Counsel on instructions from ASI Dhanpati does not dispute the custody. He states that the petitioner has provided room to the co-accused Ajay and guarded the room from outside, therefore, he is not entitled to bail.

Heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 26.10.2018 and there is no allegation of sexual assault against him and the only allegation is that he provided room to the co-accused and guarded it from outside, this Court finds that culpability of the petitioner is yet to be established during the course of trial.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

March 11, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No