

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

CRM-M-17342-2019 (O&M)

Date of Decision: July 01, 2019

Akhtar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Farukh Abdullah , Advocate
for the petitioner.

Mr. Pramjeet Singh, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This second petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.193 dated 26.03.2018, under Sections 341, 506, 34 IPC, Section 10 of the POCSO Act and Section 3 of SC/ST Act of 1989 (added later on after four months) registered at Police Station Mujessar, District Faridabad.

Learned counsel for the petitioner had initially applied for bail in CRM-M-45528-2018 and had sought permission to withdraw the same, which was allowed vide order dated 18.12.2018.

Learned counsel for the petitioner contends that the co-accused has already been allowed regular bail by the Sessions Court whereas also contends that in the meantime the prosecutrix has married the brother of the petitioner i.e. Harun Ansari. It is also contended that the challan has been presented on 11.07.2018 and that the investigation is complete. It is also

contended that as on date there are 17 witnesses who have been cited and that the conclusion of trial is yet to commence, 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, he is not in a position to dispute the fact that the prosecutrix has solemnized the marriage with the brother of the petitioner herein, nor is he in a position to dispute that the trial is yet to commence and that the challan has been presented almost a year ago.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 15.05.2018 and that challan has been presented a year ago and that the prosecutrix has married the brother of the petitioner herein, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant second 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 01, 2019
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No