

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-3897-2018 (O&M)

Date of Decision: 10.09.2019.

Baljit Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Shalender Mohan, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG Haryana
assisted by ASI Suresh Kumar.

Mr. Satish Panday, Advocate,
for the complainant.

JITENDRA CHAUHAN.J.(ORAL)

This is third bail application filed under Section 439 Cr.P.C seeking regular bail in case FIR No. 222 dated 24.05.2017 registered under Sections 342, 354 and 506 IPC and Section 10 of POCSO Act, at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner contends that the the petitioner has been falsely implicated in the present case. The FIR in question was lodged on 24.05.2017 and compromise was reached on 28.05.2017 which is duly signed by the complainant and the prosecutrix. The petitioner is in custody since 21.06.2017 and the examination-in-chief of the complainant as well as the prosecutrix

stands recorded. The FIR was registered under Sections 328, 354, 376 and 506 read with Section 34 IPC and Section 6 of POCSO Act however, the challan came to be filed under Sections 342, 354 and 506 IPC and Section 10 of POCSO Act.

On the other hand, the learned State counsel opposes the bail application.

Learned counsel for the complainant states that cross-examination of the victim and the complainant are yet to be completed.

Heard.

This is the third bail application. In the interregnum period, the victim and the complainant have been examined in chief and out of 42 prosecution witnesses, 23 still remains to be examined, the petitioner is in custody since 21.06.2017. At this stage, the Court feels that the conclusion of trial will take a long time. Long incarceration, partial examination of the victim and the complainant and the pendency of 23 witnesses are relevant considerations at this stage in favour of the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

However, considering the history of the present case, the State is directed to ensure full protection to the victim and her family, if they have any apprehension with regard to their safety and

security at the hands of the petitioner. If such an apprehension is raised by the complainant or the victim or any member of their family, the Superintendent of Police, Fatehabad will ensure that all steps are taken to ensure that their life and liberty is fully protected.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

10.09.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No