

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-26013 of 2019 (O&M)

Decided on:- September 23, 2019.

Sakeel.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Rakesh Dhiman, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.19 dated 13.02.2018 under Sections 506 and 201 IPC, Section 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) and Sections 66 and 67 of the Information Technology Act, 2000 (for short, the IT Act) registered at Police Station Women Nuh, District Mewat.

Learned counsel for the petitioner states that in the aforesaid FIR, the offences under Section 506 IPC and Section 12 of the POCSO Act are non-bailable, wherein the maximum sentence is provided upto 3 years. The petitioner is in custody since 22.03.2019 and the complainant has been granted two opportunities to examine herself before the trial Court on 03.08.2019 and 13.09.2019, but she has not come forward to depose in the case on both these dates. In this manner, the trial in the case is not likely to be concluded in the near future.

Learned State counsel, on instructions from Inspector Suman, does not dispute the custody of the petitioner and admits that on both the aforesaid dates, the complainant could not be examined before the trial Court.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 22.03.2019 and the complainant had not appeared before the trial Court on 03.08.2019 and 13.09.2019 for her examination, this Court finds that the conclusion of the trial is likely to take long time and the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

September 23, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No