

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

**CRM-M No. 26884 of 2019
Date of Decision:-04.07.2019**

Ranbir @ Bira

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Ranbir @ Bira has preferred this petition for grant of regular bail pending trial in case FIR No.214 dated 02.7.2018, under Section 4 of the Protection of Children from Sexual Offence Act, 2012 (earlier FIR was registered under Section 6 of the POCSO Act, however, subsequently, Section 4 of the POCSO Act was added and Section 6 of the POCSO Act, 2012 was deleted), registered at Police Station Jind Sadar, District Jind. The petitioner is in custody since his arrest on 03.7.2018.

On the basis of complaint given by complainant Jaswant s/o Karambir the petitioner was indicted for alleged commission of offence punishable under Section 4 of the Protection of Children from Sexual Offence Act, 2012, committed with the son of the complainant.

Learned counsel for the petitioner contends that during trial the deposition of complainant as PW1 was recorded , who has not supported the prosecution case. Similar is the version of the victim, who testified before the Court as PW3. Learned counsel has further produced the evidence of Dr. Saneh Kumar Kharab, Medical Officer, Civil Hospital, Jind as PW6 to contend that the medical evidence also does not support the prosecution case.

On the other hand, learned State counsel, who is assisted by ASI Ravinder Singh, opposed the prayer on the ground that the offence is serious, however, he is unable to dispute the fact that the material witnesses have already turned hostile. Learned State counsel has apprised the Court that still nine witnesses remain to be examined by the prosecution.

Considering the above, custody of the petitioner and the fact that trial is likely to consume some more time, further custody of the petitioner may not be justified. Resultantly, without commenting anything upon merits of the case, the petitioner, namely, Ranbir @ Bira is ordered to be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

July 04, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No