

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

CRM-M No.38844 of 2019

Date of decision: 6th November, 2019

Naveen

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vishal Nehra, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

Mr. Ashit Malik, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Naveen in this second anticipatory bail application filed before this Court under Section 438 Cr.P.C. (earlier one having been dismissed as withdrawn on the statement of police on 14.08.2019) in case bearing FIR No.133 dated 02.05.2018 under Sections 342, 376-D IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Sadar Gohana, have been levelled by a girl aged around 16 years, student of 12th class. Allegations are that the petitioner along with his co-accused non-applicant Ankit who happen to be her neighbour, had been defiling her against her wishes and on 12.12.2017 co-accused Ankit took her to

his house and defiled her and in the process prepared her video with the intent to blackmail her, leading to registration of the present case.

Learned counsel for the petitioner Mr. Vishal Nehra, Advocate inter alia contends that the petitioner was found innocent during investigations and subsequently with the aid of Section 319 Cr.P.C. has been summoned as an additional accused thus, his joining the trial would suffice the purpose.

On behalf of the State, Mr. Baljinder S. Virk, Dy. Advocate General, Haryana on instructions from ASI (Ms.) Kavita assisted by Mr. Ashit Malik, Advocate representing the complainant, though have not disputed the facts brought to the notice of this Court, but have strongly opposed the grant of bail on the grounds of heinousness of the offence; however, with all fairness they concede at the bar that the petitioner has been found innocent during investigations.

Appreciating the arguments of the two sides, admittedly as per the stand of the State, the petitioner has been found innocent during investigations and his brother co-accused non-applicant Ankit has been found guilty. Nothing is to be recovered from the petitioner and culpability, if any, is subject matter of completion of trial. Thus, this Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and his joining the trial would

suffice the purpose. Accordingly, the petitioner is directed to appear before the trial Court within fifteen days from today and on his doing so he shall be released on bail to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 6, 2019
rps

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