

227.

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

CRM-M-280-2020

Date of decision: 14.01.2020

SAHIL AND ANR

... Petitioners

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Namit Khurana, Advocate,
for the petitioners.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners, pending trial, in case FIR No.1156 dated 19.09.2019 registered under Section 506 of IPC and Section 10 of POCSO Act, 2012 at Police Station City Jagadhri, District Yamuna Nagar.

The allegation in the FIR is that on 16.09.2019, the petitioners along with the co-accused Rohit, had stopped the prosecutrix (daughter of the complainant), took her in a car and teased her. Thereafter, she was left at bus stand at Jagadhri. They threatened the prosecutrix not to tell any body about the incident.

Learned counsel for the petitioners has argued that the prosecutrix has been examined in the case. The prosecutrix and the complainant have not supported the case of the prosecution and rather declared hostile. Petitioners are in custody since 19.09.2019. The trial in the

case will take sufficient long time. He has further argued that the co-accused Rohit Kumar has already been admitted on bail by this Court vide order dated 19.12.2019 passed in ***CRM-M-53742-2019*** titled as ***Rohit Kumar Versus State of Haryana***.

Learned State counsel does not dispute the custody and the fact that the prosecutrix and her father have been examined in the case and they have not supported the case of the prosecution and rather declared hostile.

I have heard learned counsel for the parties.

Considering the fact that the petitioners are in custody since 19.09.2019 and the prosecutrix and her father have been declared hostile in the case, coupled with the fact that the co-accused Rohit Kumar has already been admitted on bail, this Court deems it appropriate to admit the petitioners on bail.

Accordingly, the present petition is allowed and the petitioners are admitted on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

14.01.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No