

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-1750-2020 (O&M)

Date of Decision: January 23, 2020

Vikram

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Tek Chand Bansal, Advocate
for the petitioner.
Ms. Trishanjali Chopra, Asst. A.G., Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.60 dated 10.09.2019, under Section 8 of the POCSO Act and Sections 323, 341, 354-A, 34 Indian Penal Code, registered at Police Station Women Dabwali, District Sirsa.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 12.09.2019. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the allegations as set out in the FIR are not sustainable while further stating that the statement that has been recorded by the prosecutrix under Section 164 Cr.P.C. does not specifically name the petitioner herein as the perpetrator of the crime. It is further argued that the prosecutrix has not specifically named the petitioner and the co-accused has already been allowed bail while stating that the investigation is complete

and that the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail, while further undertaking that the petitioner, after the grant of this bail will not influence the prosecutrix or her family members/relatives in any manner.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that the investigation in the matter is complete and that the prosecutrix has not specifically named the petitioner herein in the FIR.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 12.09.2019 and that the statement that has been recorded by the prosecutrix under Section 164 Cr.P.C. does not specifically name the petitioner as the perpetrator of the crime and that the co-accused has already been allowed bail and the investigation is complete, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

January 23, 2020

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No