

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

CRM-M-2727-2020

Date of decision : 27.01.2020

Shalender @ Surrender

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajesh Nain, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana
assisted by ASI Surinder Singh.

MANJARI NEHRU KAUL, J (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.170, dated 17.04.2019, under Sections 376(2)(n) of IPC and Section 6 of the POCSO Act, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner contends that the victim as well as complainant in the instant case did not support the case of the prosecution and were declared hostile. It has been further submitted that the petitioner was arrested on 20.04.2019 and has been behind bars for more than 05 months, and the trial is unlikely to conclude in the near future.

Learned State counsel does not controvert the said fact. However, he opposes the grant of regular bail on account of the serious allegations levelled against the petitioner. The learned State counsel has apprised the Court that 9 out of the 10 prosecution witnesses cited have been examined as on date.

Having considered the submissions made by either side, and the fact that the petitioner has been behind bars admittedly for more than 05 months, his further detention will not serve any useful purpose. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

27.01.2020

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No