

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

CRM-M- 5005-2020 (O&M)

Date of Decision: February 10, 2020

Anil Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

Ms. Mahima Yashpal, Asstt. 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.27 dated 31.03.2019, under Sections 363, 366, 506 Indian Penal Code and Section 6 of the POCSO Act, registered at Police Station Women, Fatehabad, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 03.04.2019. 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 arguing that the statements of the material witnesses have been recorded and the prosecutrix has turned hostile and has not supported the version of the prosecution and the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged

on bail.

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, does not dispute the fact that the statements of the material witnesses have been recorded and the trial is at the fag end.

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 03.04.2019 and the prosecutrix has turned hostile and has not supported the version of the prosecution and the material witnesses have been examined and the case is only pending for recording statement of the defence witnesses, no useful purpose would be served in keeping the petitioner behind bars any longer. 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.

February 10, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No