

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

CRM-M-4132-2020

Date of decision : 04.02.2020

Aakib

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohd. Arshad, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana
assisted by HC Sukhbir.

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.175, dated 07.09.2019, under Sections 148, 149, 323 and 506 of IPC and Section 8 of the POCSO Act, registered at Police Station Rojka Meo, District Nuh.

2. Learned counsel for the petitioner inter alia contends that the occurrence emanates from quarrel which took place between co-accused Juned and Mosim, who were studying in the same school and the petitioner in fact had no connection with the incident in question. It has also been contended that the petitioner has not been charged under Section 8 of the POCSO Act and has only been charged under Sections 323 and 506 of IPC.

3. Learned State counsel on the other hand, has opposed the prayer for grant of bail on account of the serious allegations levelled against the petitioner. However, he does not controvert the fact that the petitioner has indeed not been charged under Section 8 of the POCSO Act and has been behind bars since 08.09.2019. Learned State counsel has also apprised the Court that 3 out of 17 prosecution witnesses have been examined till date.

4. Having considered the submissions made by either side, the petitioner has been behind bars admittedly since 08.09.2019 i.e. for about five months, hence, further detention of the petitioner 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 concerned. 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

04.02.2020

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No