

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.210

CRM-M-7042-2020 (O&M)

Date of decision : 5.8.2020

Boby

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

Mr. Sumit Jain, Addl. AG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.418 dated 23.4.2019, registered at Police Station Chandnibagh, District Panipat, under Section 377, IPC and Section 6 of POCSO Act, 2012.

Learned counsel for the petitioner submits that the petitioner has been in custody for more than 01 year and 03 months and the trial is nowhere near completion as only 02 PWs, out of a total of 15 PWs, have been examined. A comparison of statement made under Section 161 Cr.P.C of the complainant and that recorded under Section 164 Cr.P.C. shows that there is a glaring contradiction. In Section 161 Cr.P.C. statement, it has been stated that the petitioner took the victim to a house, from where, he was recovered by his mother, whereas, in the Section 164 Cr.P.C. statement, it has been stated that the petitioner took him to a park. In this view of the matter, the petitioner deserves to be granted regular bail.

Learned State counsel opposes the prayer on the ground that the petitioner has committed a heinous offence. The victim in this case was only 08 years old.

The period of custody of the petitioner has not been disputed. It has also been admitted that there is no other criminal case pending against the petitioner. Thus, it is evident that the petitioner has undergone actual custody exceeding 01 year and 03 months and there is no other criminal case pending against him. The trial is not likely to be concluded at an early date as only 02 PWs, out of a total of 15 PWs, have been examined, till date. Thus, the petitioner is entitled to grant of regular bail.

Keeping in view the facts and circumstances of this case, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

5.8.2020
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No