

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

**CRM No.M-7054 of 2020
Date of decision: 29.09.2020**

Rohit @ Gafar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Vijay Pratap Singh, Advocate
for the petitioner.

RAJBIR SEHRAWAT, J.(Oral)

This is the petition under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case FIR No.238 dated 27.12.2019 under Sections 323,452 of IPC and Section 8 of POCSO Act 2012, registered at Police Station Chhachhrauli, District Yamuna Nagar.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner has not committed any crime, as alleged against him. No incident, as alleged in the FIR; has ever happened. It is further submitted that even the residents of the locality have sworn the affidavits denying any such incident as having happened. There is no medical record showing any assault upon the prosecutrix. In any case, the petitioner is in custody since 28th December 2019. Investigation of the case is complete. Therefore, the petitioner is not required for any investigation purpose. There is no other case against the petitioner.

Notice of Motion.

Mr. Arun Beniwal, DAG, Haryana accepts notice on behalf of

the State of Haryana.

On the other hand, learned State counsel, on instructions from SI Parveen, has submitted that pursuant to the previous order; he has verified from the concerned police, qua the medical report of the prosecutrix. However, there is no medical report of the prosecutrix ever prepared in this case. It is also not disputed that the petitioner is in custody since 28th December 2019 and there is no other case against the petitioner.

In view of the above and without commenting upon the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail during the pendency of Trial, subject to his furnishing bail bond/surety to the satisfaction of the trial Court/Duty Magistrate.

29th September, 2020
Manju

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No