

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.7326 of 2020

Date of Decision:28.02.2020

Subhash Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. N.S. Shekhawat, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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JAISHREE THAKUR, J. (ORAL)

1. Petitioner has filed an application in the Court to amend the headnote as well as prayer clause of the main petition. The application, in the interest of justice, is allowed. Registry is directed to make necessary amendment in the headnote and prayer clause of the petition.

2. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.110 dated 07.08.2019 registered under Sections 323, 376AB, 506 IPC, Section 6, 8 and 10 of the POCSO Act, 2012, Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Sections 3(1)(W), 2(V,VII) of SC/ST Act at Police Station Chhachhrauli to the petitioner, who is in custody since 07.08.2019.

3. Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the said case, as during investigation the alleged victims and other students of the school made statements in favour of the petitioner and on the basis of said statements, police made a discharge report on 27.08.2019, however, on 29.08.2019 presented challan against the petitioner. Even the alleged victims and their parents, who have been examined as prosecution witnesses, did not support

the case of prosecution.

4. Per contra, learned counsel appearing on behalf of the respondent-State opposes the bail application, while contending that the offences alleged against the petitioner are serious in nature and therefore, the petitioner is not entitled to concession of regular bail.

5. I have heard learned counsel for the parties.

6. Since the trial is likely to take some time to conclude and the fact that the alleged victims did not support case of prosecution, no useful purpose would served in keeping the petitioner behind bars. 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. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

February 28, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No