

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-7638-2020

Date of Decision:26.02.2020

Som Dutt

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Anil Kumar Rana, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.102 dated 19.08.2019 under Sections 452, 506 IPC and Section 8 of the POCSO Act, registered at Women Police Station Narnaul, District Mohendergarh.

Learned counsel for the petitioner states that as per FIR on 19.08.2019 at about 09.00 AM, when the prosecutrix was alone, petitioner came to her house and started knocking the door. The prosecutrix saw him from inside. Petitioner used to drive the bus of M.R.P.S. School one year back. The accused opened the inner bolt and entered the house and caught hold hand of the prosecutrix. He started molesting her and threatened that in case she will tell this to her mother, he will kill her and other family members. He refers to the statement of the prosecutrix and submits that the

prosecutrix was declared hostile and has not supported the case of the

prosecution. Similarly, mother and father of the prosecutrix have also been declared hostile in the case. Petitioner is in custody since 22.08.2019 and in the aforesaid circumstances when the prosecutrix and other PWs have not supported the case of the prosecution, there is no possibility of the petitioner being convicted in the case.

Learned State Counsel does not dispute the custody period and the fact that the prosecutrix and other witnesses (parents of the prosecutrix) have been declared hostile.

Heard learned counsel for the parties.

Petitioner is in custody since 22.08.2019. The prosecutrix and other PWs have not supported the case of the prosecution, rather turned hostile, culpability of the petitioner is yet to be established during the course of trial. Moreover, trial in the case is not likely to be concluded in the near future. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

February 26, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No