

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

213

CRM-M-8271 of 2020

Date of Decision: 18.09.2020

(through video conferencing)

Pappan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanjeev Kumar Panwar, Advocate
for the petitioner.

Mr. Apporv Garg, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, in case FIR No.277 dated 30.10.2019 under Sections 363, 366-A and 120-B IPC (Section 4 of POCSO Act added later on), registered at Police Station Hassanpur, District Palwal.

Learned counsel for the petitioner *inter alia* contends that the false implication of petitioner in the FIR is evident from the fact that the petitioner was not named much less assigned any role by the prosecutrix in her 164 Cr.P.C. statement recorded before the Court after her recovery from the custody of co-accused Fariyad. He further contends that the petitioner has been in custody since 31.10.2019 and only charges have been framed till date. Hence, a prayer has been made for concession of regular bail since the trial is unlikely to conclude in the near future.

Per contra, learned State counsel, on instructions from ASI Aas

Mohd., while opposing the prayer of learned counsel for the petitioner and submissions made by learned counsel for the petitioner, has conceded that the petitioner was not named nor assigned any role by the prosecutrix in her statement under Section 164 Cr.P.C., however, it was on his disclosure statement, the prosecutrix was recovered from the custody of accused Fariyad. Further, he has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner.

Heard.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner has been in custody since 31.10.2019 and due to the outbreak of the pandemic Covid-19, the trial is not likely to conclude in the near future, I deem it is a fit case to grant the concession of regular bail to the petitioner. Without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(MANJARI NEHRU KAUL)
JUDGE

18.09.2020

D.Bansal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No