

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

209

CRM-M No.9505 of 2020

Date of Decision: September 9th, 2020

Ranjan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vimal Kumar Gupta, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in FIR No.48 dated 20.02.2019 registered under Sections 363, 366-A IPC and Section 6 of POCSO Act, 2012 at Police Station Udyog Vihar, Gurugram.

It is the contention of learned counsel for the petitioner that the petitioner has been falsely implicated in the present case as he asserts that the prosecutrix in her statement recorded under Section 164 Cr.P.C. has herself stated that she had gone with the petitioner as per her own free will. She has gone to the extent of saying that they have solemnized marriage. Even the medical report does not indicate any aspect, which would indicate that force was used by the petitioner in any manner. However, he states that the petitioner is in custody since 01.09.2019 and the next date of hearing is 27.10.2020, with only 5 prosecution witnesses examined till date out of 19 cited, the trial is not likely to conclude in near future and, therefore, the petitioner be granted the concession of bail.

On the other hand, learned counsel for the State, submits that the petitioner does not deserve the concession of bail. He had enticed a minor and taken her with him and indulged in such acts, which are not expected.

She, however, could not dispute the statement as recorded under Section 164 of

the Code of Criminal Procedure by the prosecutrix as also the medical report. The other factual aspect also could not be disputed with regard to the custody period of the petitioner as also the stage of trial.

I have considered the submissions made by the counsel for the parties and with their assistance, have gone through the records of the case. Keeping in view the fact that the petitioner is in custody for more than one year and out of 19 witnesses, only 5 have been examined, with the trial not likely to conclude in near future, especially in the prevailing circumstances as also the medical report as well as the statement under Section 164 Cr.P.C., referred to above, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Gurugram.

Any observations made hereinabove are for the purpose of disposal of the present petition alone and shall have no bearing on the merit of the case during the trial in any manner.

September 9th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No