

In the High Court of Punjab and Haryana at Chandigarh

202

CRM-M-10038-2020 (O & M)

Date of Decision: July 08, 2020

ASHISH

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.174, dated 15.07.2019, under Sections 363, 366-A of the Indian Penal Code ('IPC' - for short) (Sections 376(2)(n), 376(2)(f) and 376(3) IPC and Section 6 of the POCSO Act, 2012 added later on) , registered at Police Station Sadar Tohana, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner had been falsely implicated in the case. The prosecutrix and her mother had not supported the prosecution case while they were examined as PW-4 and PW-5 respectively. He has referred to their statements at Annexures P-2 and P-3. He also contends that there is no medical evidence which would point to the involvement of the petitioner. The petitioner is in custody for almost a year since his arrest on 28.07.2019.

Learned State counsel is not in a position to controvert that the prosecutrix and her mother have not supported the prosecution case qua the involvement of the petitioner. He also states that 04 out of 17 prosecution witnesses have been examined.

Heard through video conferencing.

In view of the submissions of learned counsel for the petitioner especially when the prosecutrix and her mother have not supported the prosecution case, the petitioner is in custody for almost a year, Covid 19 pandemic and conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

July 08, 2020

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No