

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

(Heard through VC)

CRM-M-10291 of 2020 (O&M)

Date of Decision: November 09, 2020

Shiva

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Pawan Singh, Advocate
for the petitioner.

Mr. S.S. Pannu, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.146 dated 22.03.2019, under Sections 342, 346, 365 of Indian Penal Code and Sections 6, 17 of POCSO Act, registered at Police Station Sector 10, Gurugram, District Gurugram.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 22.04.2019. It is argued that in the initial FIR registered, he was not named and even when the statement of the prosecutrix was recorded under Section 164 Cr.P.C.,

she did not name the petitioner herein and it is only subsequent thereto, on the basis of a supplementary statement recorded that the petitioner was named as a person, who had also ravished her along with one Balram. It is submitted that Balram has been declared as a juvenile and has subsequently been released on bail, while further contending that FSL report that has been placed on record would reflect that human semen has been detected on an exhibit pertaining to Balram and not the petitioner herein. It is also argued that material witnesses have been examined and trial is likely to take sufficient time to conclude because of limited functioning of the courts due to Covid-19 pandemic, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that there are serious allegations that have been levelled against the petitioner herein.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 24.04.2019; the material witnesses have been examined and that conclusion of trial will take sufficient time, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, 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, anything observed or said by this court is only for the

purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

November 09, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No