

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
207

CRM-M-11438-2020(O&M)
Date of decision : 29.07.2020

Sanjay Dutt

.....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepender Singh, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No.266, dated 10.10.2019, registered under Section 363/366 IPC (Section 366-A/376 IPC and Section 4 of the Protection of Children From Sexual Offences Act, 2012 added later on), at Police Station Hassanpur, District Palwal, Haryana.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Palwal in paragraph 2 of the order dated 28.01.2020, which is extracted as under:-

“Brief facts of the case of prosecution are that on 10.10.2019, the complainant presented a written complaint in Police Station Hassanpur, Palwal stating therein that on 02.10.2019 at around 05:00 p.m., his daughter went away from his home without informing anybody. They had been searching for her and now they had come to know that his daughter “J” has been enticed away by accused Sanjay. A request for taking strict action against the accused person was made. On

the basis of the said information, the present F.I.R. Under Section 363, 366 IPC was registered. Investigation was initiated. During investigation, the victim was recovered. Medical Examination of the victim was got conducted, her statement under section 164 Cr.P.C was got recorded. On the basis of the said statement Section 366A and 376 IPC and Section 4 POCSO Act was added. The accused was arrested on 04.11.2019.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts due to the spread of Novel corona virus.

Learned counsel for the petitioner has drawn the attention of the court to the statement of the prosecutrix given before the doctor which is to the following effect:-

“As told by victim on 02.10.2019, she went with Sanjay on her own to Haridwar and then came to Ballabgarh and came to Hospital directly for medical. H/o sexual activity present on her own will with him 2 to 3 times.”

Learned counsel for the petitioner further contends that the petitioner is in custody since 04.11.2019 and the prosecuting agency after concluding the investigation has already presented report under Section 173 Cr.P.C.. However, the trial of the case is yet to commence and therefore, its conclusion would take time.

On the other hand, learned counsel for the State has drawn the attention of the court to the statement of the prosecutrix recorded under Section 164 Cr.P.C before the learned Judicial Magistrate Ist Class.

This court has considered the submissions.

The correctness of the statement of the prosecutrix given

before the doctor as extracted above, is not being disputed. The petitioner is in custody for a period of approximately 9 months. Conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 04.11.2019 and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the present petition is allowed with the aforesaid directions.

July 29, 2020**nt**

Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)**JUDGE**

: Yes/No

: Yes/No