

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

**CRM-M-21444-2020(O&M)
Date of decision: 13.08.2020**

Masadul @ Basadul Mulla

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Pardeep Prakash Chahar, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 149 dated 06.12.2019 registered under Section 363, 366A, 324, 506 IPC and Section 6 of POCSO Act at Police Station: Women Section 51 Gurugram, District Gurugram.

Learned counsel for the petitioner states that as per the FIR, the complainant has stated that her daughter (victim) was enticed away one month prior of lodging of FIR, thus, there is delay of one month. It is further contended that out of 22 witnesses, only 1 witness has been examined by the

prosecution thus far and if the trial goes at this snail's pace, there is no likelihood of the same to conclude in near future.

Learned counsel for the petitioner has also taken ground of Covid-19, as one of the grounds for the petitioner's release on regular bail.

On the other hand, learned State counsel while controverting the submissions made by the learned counsel for the petitioner, submits that the allegations against the petitioner are very serious and in case, he is enlarged on bail, every effort will be made by him to either tamper the evidence or win over the witnesses. However, he does not dispute the factum of examination of only 1 witness, out of 22 witnesses till date.

I have heard the learned counsel for the parties.

As noticed above, the prosecutrix is yet to be examined. In the cases of sexual offences, the testimony of the prosecutrix is of the vital significance. The prayer of the petitioner for release on bail on Covid-19 ground does not have any merit either.

Therefore, I do not find any ground to grant him the concession of regular bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

13.08.2020

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No