

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CRM-M-12280-2020

DATE OF DECISION: MAY 29, 2020

Sajjan Kumar @ Sunny

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASI, J. (ORAL)

Prayer in the present petition is for grant of regular bail to
petitioner, Sajjan Kumar @ Sunny.

Learned counsel for the petitioner has taken this Court through
the statement of prosecutrix recorded under Section 164 Cr.P.C. Dated
10.11.2019 (Annexure P-3) to contend that there has been no allegation
against the petitioner with regard to he having made any effort to commit
any wrongful act with the prosecutrix. He also contends that the prosecutrix
herself has admitted the fact that the petitioner did not have touched her or
did any wrongful act with her. Admission has also been made by her that
she is in love with the petitioner, Sunny. He also asserts that the petitioner is
in custody since 10.11.2019. Although charge has been framed against the
petitioner but till date no witness has been examined. He, therefore,

contends that the petitioner be granted bail as he has completed more than six months in custody with trial not likely to conclude in near future.

On the other hand, learned counsel for the State contends that the prosecutrix is aged about 14 years. He, however, could not dispute the facts as recorded in the statement of the prosecutrix under Section 164 Cr.P.C. (Annexure P-3). The other factual aspect also could not be disputed by him with regard to there being no witness examined till date.

Having considered the submissions made by counsel for the parties and on going through the records, the prayer made in the petition is accepted keeping in view the fact that there are no allegations against the petitioner with regard to he having committed any wrongful act with the prosecutrix; further he being in custody since 10.11.2019 and has completed more than six months in custody; no prosecution witness has been examined with the trial not likely to conclude in near future and at present there being a pandemic prevalent in the Country due to which the Courts are not functioning to its full capacity and with efforts to decongesting the jail, which are over crowded, the present application is allowed.

The petitioner is directed to be released on bail to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, Sirsa.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner and if any, the same is for the purpose of disposal of the present petition alone.

May 29, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No