

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

CRM-M- 12350-2020 (O&M)

Date of Decision: June 12, 2020
(Heard thru video conferencing)

Suresh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rahul Deswal, Advocate
for the petitioner.

Ms. Dimple Jain, 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. 542 dated 04.08.2019, under Sections 346 IPC initially, Section 420 IPC (added later on), however, charges have been framed under Section 346, 366-A, 370, 120-B Indian Penal Code and under Section 6 of the POCSO Act, 2012 (in alternative u/s 376-D IPC), registered at Police Station Gharaunda, District Karnal.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 21.08.2019. It is

submitted that the petitioner has been falsely implicated in the present case. It is also contended that the allegations as set out in the FIR are not sustainable and that the statement of the material witnesses including the prosecutrix has been recorded, wherein she has categorically stated that no wrong act has been committed upon her and that the conclusion of trial will take sufficient time as de-novo trial have to be started as another person has also been arrested on 20.05.20 , therefore, 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 offences alleged against the petitioner are serious in nature, however, does not dispute the fact that the statement of the prosecutrix has been recorded, in which she has not alleged any wrong act having been committed upon her, which can invite the applicability of Section 376 IPC and Section 6, POCSO Act.

I have heard learned counsel for the parties.

Since in view of the restricted working of the Courts due to pandemic COVID-19 situation, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 21.08.2019 and that the statement of the material witnesses including the prosecutrix has been recorded, wherein she has categorically stated that no wrong act has been committed upon her, 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.

June 12, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No