

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

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IN VIRTUAL COURT

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**CRM No. 11256 of 2020 in/and
CRM-M No. 12954 of 2020
Date of decision : 5.6.2020**

Gagni @ Jagjit Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. G.S. Sidhu, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

CRM No. 11256 of 2020 :

This is an application for seeking exemption from filing the Court fee.

For the reasons mentioned in the application, the same is allowed.

The petitioners are exempted from filing the Court fee.

Main Case :

This petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of bail pending trial in case FIR No. 61 dated 5.10.2019, registered under Sections 216, 376D, 450, 506 IPC and Section 6 of Prevention of Children from Sexual Offences Act, 2012, at Police Station Dabwali, District Sirsa.

It is contended by the counsel for the petitioner that the case against the petitioner is concocted for mala fide reasons. Even as per the case

of the prosecution, no overt act is attributed to the petitioner qua the minor girl. The main allegations in the matter are against the co-accused Judge Singh. The petitioner is alleged to be standing outside the house of the prosecutrix. Even this allegation is factually incorrect. The petitioner is in custody since 2.11.2019. Investigation is already complete. However, no prosecution witness has been examined so far.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana accepts notice on behalf of the State.

Learned State counsel, on instructions from SI Sunita Rani, submits that the name of the petitioner has specifically come in the case. As per the allegations, the petitioner was guarding the house when the co-accused had scaled the house of the prosecutrix. However, it is not disputed that no overt act is attributed to the petitioner. It is also not disputed that the petitioner is in custody since 2.11.2019 and that no prosecution witness has been examined so far.

In view of the above, but without commenting upon the merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail pending trial on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

5.6.2020
Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No