

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

CRM-M-13057 of 2020.

Decided on:- June 09, 2020.

Jahid @ Mundan.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

Mr. Vipul Aggarwal, Advocate
for the prosecutrix.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed present petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.264 dated 07.12.2019 under Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) and 506 IPC registered at Police Station Women, NIT, Faridabad (challan presented under Sections 323, 384, 450, 506 and 120-B IPC and Section 6 of the POCSO Act).

Learned counsel for the petitioner submits that there is no allegation of commission of rape against the petitioner. Even otherwise, some developments have taken place in the case. The main accused Shehbaz against whom the allegation of rape has been levelled, is cousin of the petitioner. Prosecutrix Taslima and Shehbaz have solemnised marriage and have approached this Court so as to seek protection of their life and liberty by way of a petition i.e. ***CRWP No.3324 of 2020*** titled as ***Taslima and another Versus State of Haryana and others*** and vide order dated 02.06.2020 passed in that petition, this Court has already granted protection to them.

He further submits that the petitioner is in custody since 07.12.2019 and the allegation against him is that he along with two other persons was present at the time of incident and stood as a guard and gave injuries to the victim with electricity wires.

Mr. Vipul Aggarwal, Advocate for the prosecutrix has submitted that the prosecutrix has solemnised marriage with main accused Shehbaz.

Learned State counsel does not dispute the custody of the petitioner.

I have heard learned counsel for the parties.

The petitioner is in custody since 07.12.2019. The prosecutrix has solemnised marriage with main accused Shehbaz and have sought protection from this Court. In this manner, culpability of the petitioner is yet to be established during the trial, and the trial is not likely to be concluded in near future. Therefore, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

June 09, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No