

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

CRM-M-13797 of 2020.

Decided on:- July 22, 2020.

Sonu @ Mohan Sharma.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

Present:- Mr. Tushar Gautam, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

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

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.253 dated 03.07.2017 under Sections 363, 366-A, 376-D, 372 and 373 read with Section 34 IPC as well as Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) registered at Police Station Hathin, District Palwal.

Learned counsel for the petitioner submits that the petitioner is in custody since 01.08.2018. The petitioner has already approached this Court by way of **CRM-M-34066 of 2019** titled as **Sonu @ Mohan Sharma Versus State of Haryana** and vide order dated 01.10.2019 (Annexure P-3) though the

said petition was dismissed as not pressed, but this Court had directed the trial Court to make an endeavour to conclude the trial preferably within a period of three months w.e.f. 04.11.2019, which was the next date of hearing before the trial Court. Despite there being a direction issued by this Court, the trial has not been concluded and there is very remote possibility to conclude the trial in the coming period on account of COVID-19 pandemic.

He further submits that the petitioner has solemnised marriage with the prosecutrix and at the most, the marriage was solemnised with a minor girl. There is no allegation of rape against the petitioner in the F.I.R.

Learned State counsel, on instructions from ASI Vijay Pal, does not dispute the custody, however, submits that during the course of evidence, it has come on record that the minor girl was sold to the petitioner and rape was committed upon her.

I have heard learned counsel for the parties.

In the head note of the present petition, though the petitioner has mentioned that the present is a first petition for regular bail, but the office report attached with the record suggests that it is a second petition filed by the petitioner as the earlier one was dismissed as not pressed vide order dated 01.10.2019 (Annexure P-3) passed by this Court in ***CRM-M-34066 of 2019*** titled as ***Sonu @ Mohan Sharma Versus State of Haryana***. Since this fact has been incorporated in the petition, this Court deems it appropriate to observe that it was a typographical error in the head note of the petition.

Though there is no such allegation in the FIR that the petitioner has committed rape upon the prosecutrix, but considering the fact that despite there being a direction given by this Court vide order dated 01.10.2019

(Annexure P-3) passed in *CRM-M-34066 of 2019* titled as *Sonu @ Mohan Sharma Versus State of Haryana* to the trial Court to conclude the trial preferably within a period of three months w.e.f. 04.11.2019, the trial has not been concluded so far, 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.

July 22, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No