

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

Criminal Misc. No.M- 13476 of 2020

Date of Decision: June 11 , 2020.

Azad Khan

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Anmol Malik, DAG, Haryana.

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

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for grant of bail pending trial to the petitioner in FIR No.29 dated 19.01.2019 under Sections 363/366A/368/420/ 506/120B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Ballabhgarh, District Faridabad.

It is submitted that the petitioner has been falsely implicated in this case, being the father of the main accused, Jishan Khan. It is contended that the

petitioner's son and the prosecutrix were fond of each other and had solemnized marriage on 29.01.2019. They had also sought protection of their life and liberty before the Allahabad High Court. Reference is made to the orders of the Allahabad High Court, attached as Annexure P2 (Collectively) with this petition. It is submitted that the prosecutrix and the petitioner's son lived together after solemnization of their marriage. However, an altercation took place between them on 28.12.2019 and the prosecutrix called up her parents due to which the petitioner's son and the petitioner were arrested. It is submitted that no offence, whatsoever, is made out against the present petitioner. The allegations attracting the rigours of Section 6 of the POCSO Act, if at all, are attracted by the acts of co-accused, Jishan Khan, the petitioner's son. The petitioner's son is in custody. The petitioner, it is submitted, is not involved in any other criminal case and has been in custody since 30.12.2019. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Manoj Kumar, verifies that the petitioner was arrested on 30.12.2019. Final report under Section 173 Cr.P.C. stands presented. It is verified by Learned counsel for the State that the petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Trial in this case is not likely to conclude in the near future. No

useful purpose would be served by keeping the petitioner incarcerated any longer in the present facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

June 11 , 2020.
'om'

(LISA GILL)
JUDGE

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