

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-14777-2020 (O&M)

Date of Decision: 25.06.2020

Magan

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. G.S. Sullar, Advocate for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 439 Cr.P.C seeking benefit of regular bail to the petitioner in case FIR No.15 dated 30.1.2020 registered under Sections 365, 328, 342, 341, 506, 120-B I.P.C, sections 10 and 17 of POCSO Act and section 3(1)(XI) of S.C/S.T Act at Women Police Station, District Yamuna Nagar.

Counsel for the parties have been heard.

FIR came to be registered on the statement of 'B' i.e. father of the victim. The complainant alleged that his daughter 'A' aged about 15 years and 10 months had gone from the house to attend school. She was taken away on 13.1.2020 at about 8.30 A.M by one Saurabh, who happens to be the son of sister-in-law of the complainant. It is further alleged that Saurabh thereafter kept the victim in the house of his friend Balram at a village and thereafter took her to Kurukshetra and kept her there for two days.

The name of the present petitioner has cropped up only during the course of investigation. As per prosecution version present petitioner has been roped in with the aid of Section 120-B I.P.C on the premise that at Kurukshetra he had facilitated a room for main accused Saurabh so as to exploit the victim.

Name of the petitioner does not figure in the FIR. The complainant has not named him. For certain strange reasons Balram, who had been specifically named by the complainant by asserting that main accused Saurabh had taken the victim to the house of such Balram, is not even an accused and has not been challaned.

Petitioner was arrested on 1.2.2020. Investigation in the case having been completed, challan was presented on 12.3.2020.

Learned State counsel informs the Court that 13 prosecution witnesses have been cited but one has been examined till date. Trial, as such, is at the initial stage and would take time to conclude.

In the considered view of this Court, no useful purpose would be served by keeping the petitioner in custody any further.

It is not the case made out on behalf of the State that the benefit of bail, if, granted to the petitioner against the light of the allegations, he would be in a position to hamper the course of a free and fair trial.

In view of the above and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Yamuna Nagar.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.06.2020
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No