

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14931 of 2020
Date of Decision :06.07.2020

Abhishek ...Petitioner

versus

State of HaryanaRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. A.S. Virk, Advocate and
Mr. Nagar Singh, Advocate for the petitioner.
Ms. Tanisha Peshawaria, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner during the pendency of trial in case FIR No.256 dated 17.11.2019, registered under Sections 363, 366, 506 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012, at Police Station Uchana, District Jind.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case, that charges have already been framed in the case on 07.03.2020 and out of nineteen prosecution witnesses, none has been examined till date and the trial is now fixed for 03.08.2020. Learned counsel states that the petitioner is in custody since 06.12.2019 and no useful purpose would be served by keeping him in custody especially in view of prevailing Covid-19 pandemic.

4. Per contra, learned DAG, Haryana, contends that the prosecutrix is a minor, therefore, no case for grant of bail is made out.

Learned counsel, however, concedes statement Annexure P/2 of the prosecutrix having gone with the petitioner to Hisar, Delhi and then

Mumbai having been made by the prosecutrix as also that till date no prosecution witness has been examined.

5. I have considered the submission of learned counsel for the parties.

6. Without expressing any opinion on the merits of the case and keeping in mind the fact that the petitioner is a young boy of 18/19 years and is in custody since 06.12.2019 besides till date not a single prosecution witness has been examined out of nineteen cited witnesses and the trial of the case is likely to take considerable period of time to conclude on account of the prevailing Covid-19 pandemic conditions, no useful purpose would be served by keeping the petitioner in custody. Accordingly, the petition for regular bail is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety to the satisfaction of the learned CJM/Trial Court/Duty Magistrate, concerned and provided he is not required in any other case.

7. However, nothing stated hereinabove would be construed as an expression of opinion on the merits of the case.

(B.S. Walia)
Judge

06.07.2020
rajesh/rajneesh

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No