

S.No.206

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

CRM-M-15335 of 2020 (O&M)

Date of Decision:01.07.2020

SandeepPetitioner

Vs.

State of HaryanaRespondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. C.R. Dahiya, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.435 dated 10.12.2019 registered under Sections 363, 366-A, 379(2)(N) of Indian Penal Code, 1860 and Section 6 of POCSO Act at Police Station Civil Lines, District Hisar.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. Even during the investigation, the prosecution has not been able to collect any evidence to specifically connect the petitioner to the alleged crime. Not only this, even the prosecutrix, in her statement made under Section 164 Cr.P.C; has stated that nothing was done to her against her wishes or by force. Hence, in any case, it is a matter of consent. The petitioner has already been in custody for more than six months now. Challan has been filed. Charge has already been framed. The petitioner is not required for any investigation purposes.

Hence, no purpose would be served by keeping him in custody.

Accordingly, the petitioner deserves to be released on bail.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State.

Learned State Counsel, on instructions from Inspector Ajay Kumar, submits that the petitioner has been found to be involved in the alleged crime. Even the forensic report has pointed towards the guilt of the petitioner. However, the counsel has not been able to dispute the statement of the prosecutrix; made under Section 164 Cr.P.C. It is also not disputed that the petitioner is in custody since 10.12.2019.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

July 01, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No