

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

214

CRM-M No.15752 of 2020

DATE OF DECISION : 21st JULY, 2020

Ajay Kumar @ Nitu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Rakesh Nehra, Advocate for the petitioner.

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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.152 dated 07.06.2019 registered under Sections 377, 506 & 34 IPC; Sections 4 & 14 (2) POCSO Act, 2012 and Sections 66E & 67E of I.T. Act, 2008, at Police Station Salhawas, District Jhajjar.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the allegation constituting offence under Section 377 IPC is not against the petitioner, rather it is against the co-accused. The petitioner has been in custody since 07.06.2019. The victim has not been examined so far. He has further submitted that the complainant, the mother of the victim, has admitted in the cross-examination that she had earlier lodged a similar complaint qua his daughter as well, which was subsequently compromised. In the present case, the co-accused of the petitioner has also got lodged an FIR against the alleged victim of the

present FIR for similar act. However, police are not taking any action in that, despite that being a cross version case. The petitioner is not required for any investigation purposes. There is no other case against the petitioner. Hence, 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, being instructed by ASI Sanjay Kumar, has submitted that there are specific allegations against the petitioner. He is alleged to have caught hold the victim when the co-accused was committing the heinous act. However, it is not disputed that it is the co-accused of the petitioner, against whom the actual act is alleged. Even the admission made by the mother of the alleged victim in her cross-examination, has not been disputed by the State counsel. It is also not disputed that the petitioner is in custody since 07.06.2019.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

21st JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>