

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

(Proceedings conducted through video Conference)

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CRM-M-15946-2020 (O&M)

Date of decision: 26.08.2020

SATISH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Mamta Panwar, Advocate for the petitioner.
Mr. Rohit Arya, DAG, Haryana.

REKHA MITTAL, J. (Oral)

Satish, accused in FIR No.78 dated 05.07.2019 registered at Police Station Women Jind for offence punishable under Section 506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, prays for grant of regular bail, pending trial.

Counsel for the petitioner would argue that material witnesses in the case i.e. alleged victim of the crime, Ms. Santra and Mahabir, maternal grandparents of the victim were examined and they did not support prosecution version with regard to the petitioner having sexually assaulted prosecutrix who is none-else but daughter of the petitioner. It is further submitted that even brother of the victim namely Rohtash has sworn an affidavit (Annexure P7) denying any such incident dated 30.06.2019. It is further argued that the petitioner is in custody since 05.07.2019 but trial has not been concluded till date. Counsel would inform that in view of situation created due to Covid-19, there is no likelihood of trial being concluded shortly. The last submission made by counsel is that petitioner has a permanent place of residence and ready to face proceedings without any default.

Statement of the victim recorded under Section 164 Cr.P.C. received online, is taken on record.

Counsel representing State of Haryana has not disputed the aforesaid factual submissions. He has opposed the prayer for grant of bail with the submission that on medical examination of the victim and the petitioner, semen was detected on their undergarments.

Be that as it may, the victim has not supported cause of the prosecution. She has dis-owned her statement recorded under Section 164 Cr.P.C. by contending that she recorded that statement under police pressure. Conclusion of trial is likely to take some time particularly in view of the fact that regular hearings are not conducted due to Covid-19.

Without meaning to express any opinion on merits of the case, bail to the petitioner subject to his furnishing bail bonds to the satisfaction of trial Court/Additional Sessions Judge (on duty), Jind. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) He shall not leave India without previous permission of the Court.

Disposed of.

26.08.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No