

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

(Heard through VC)

CRM-M-16365 of 2020 (O&M)
Date of Decision: July 10, 2020

Vishal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Nara, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.23 dated 17.01.2019, registered under Sections 365, 376, 34 of Indian Penal Code, Sections 6 & 12 of POCSO Act and Section 3 of SC and ST Act, at Police Station Shahbad, District Kurukshetra (final report presented under Sections 365, 376, 120-B of Indian Penal Code, Sections 6 & 12 of POCSO Act and Section 3 of SC and ST Act).

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 19.01.2019. It is argued that investigation is complete, as the challan has already been presented and charges stands framed. It is also contended that co-accused Virender alias Banti has already been granted regular bail by this court vide

order dated 28.02.2020 passed in CRM-M-525-2020, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, however, does not dispute the fact that charges stands framed and that co-accused Virender alias Banti has already been granted regular bail.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 19.01.2019, that charges stands framed in the matter and that co-accused Virender alias Banti has already been allowed regular bail, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

At this stage, counsel for the petitioner submits that keeping in view the prevailing circumstances because of Covid-19 pandemic, it may be difficult for the petitioner to arrange for surety.

In the interest of justice, let the petitioner be released on furnishing of personal bond only with a condition that he will furnish surety

bond on his behalf within a reasonable time, to the satisfaction of the trial court/Duty Magistrate concerned.

July 10, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No