

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

209

CRM-M-16829-2020(O & M)

Date of Decision: 14.09.2020

Sahid

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr.Mazlish Khan, Advocate
for the petitioner.

Mr.Vivek Saini, Additional AG.Haryana.

Lalit Batra , J . (Oral)

Case has been taken up for hearing through Video Conferencing.

Scanned copy of statement of PW-1(prosecutrix/victim) received and the same is taken on record.

Status report regarding examination of prosecutrix (victim) has been received from Court concerned.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner--Sahid in case F.I.R. No.172 dated 29.10.2019 under Sections 452 and 506 IPC, Section 4 of POCSO Act-2012 and Section 67-A of Information Technology Act-2000 (added lateron) registered at Police Station Women Nuh, District Nuh.

Learned counsel for the petitioner *inter alia* contends that petitioner has no nexus whatsoever with the alleged offence. He further urges that there is a delay of twenty days in lodging the FIR. He further urges that medico-legal report of the prosecutrix/victim does not depict any marks of injury on her person. He further urges that petitioner is in custody

since 07.12.2019 and he is no more required by the Police for any investigation purpose. He further urges that challan has already been presented in the Court and trial has already commenced. He further urges that prosecutrix/victim when appeared in the witness-box as PW-1, she has categorically deposed that she was major at the time of alleged incident and further specifically deposed that accused-petitioner is innocent. He further urges that since trial of case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further, thus, he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the documents placed on record at the instance of petitioner as well as status report received from Court concerned.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 07.12.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by the petitioner-Sahid is allowed and he is ordered to be released

on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate, Nuh, as the case may be.

September 14, 2020
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(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No