

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17054-2020 (O&M)
Date of Decision: July 17, 2020

ASHOK Petitioner(s)

Versus

STATE OF HARYANA Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sunil Saharan, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for bail pending trial in FIR No.240, dated 10.06.2019 under Sections 354-D, 363, 366-A, 376(2)(J), 506, 34 IPC, Section 3(1)(xii) of SC & ST Act and Section 6 of the POCSO Act, registered at Police Station Azad Nagar Hisar, District Hisar.

It is submitted that the petitioner, who himself is a young man of about 22 years, has been falsely implicated in this case. In fact, the petitioner and the victim were fond of each other, which was not liking to the family members of the victim. It is submitted that it is opposed to all probability that the victim had not reported the matter on an earlier stage because as per the allegations in the FIR, it is stated that the petitioner had been trying to entice her since past 6 to 7 months. It does not stand to reason

that in case a person was threatening the victim, she would not have reported the matter to her family. The emergent incident as mentioned in the FIR is stated to have occurred in the first week of May 2019. The date thereof has also not been mentioned. A complaint is alleged to have been filed in this respect after an unexplained delay on 27.05.2019 at the C.M. window against the petitioner. The victim admittedly made a statement on 04.06.2019 at the Police Station Azad Nagar, Hisar stating that she did not wish for any action to be taken, though it is mentioned in the FIR that such a statement was suffered by her out of fear. There is no medical evidence on record to corroborate the allegations against the petitioner. Furthermore, the victim, it is submitted, has got married subsequently and is living with her in-laws. The victim and her mother were not coming forward to depose before the learned trial Court and they had been summoned through bailable warrants issued by the learned trial Court in January 2020. Due to the outbreak of pandemic COVID-19, the trial, it is submitted, is not making much headway. The petitioner, it is stated, is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the State submits that delay in lodging of the FIR by itself may not be relevant. However, on instructions of ASI Harish, it is verified that the victim is now happily married and residing at her in-law's place in village Bargeta near Dadri. It is submitted that the victim and her mother had appeared pursuant to issuance of the bailable warrants but could not be examined on 24.02.2020.

Due to the outbreak of the pandemic COVID-19 much progress is not being made towards conclusion of the trial. It is verified that the

petitioner is not involved in any other criminal case and he has been in custody since 13.06.2019. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail. No recovery is to be effected in this case. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer .

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

July 17, 2020
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No