

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

CRM-M-17938-2020 (O&M)

Date of decision-26.10.2020

Bablu

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

CRM-20289-20220

Application is allowed as prayed for.

Annexure P-3 is taken on record.

Main case

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.33 dated 24.03.2015 registered under Sections 363, 366-A Indian Penal Code, 1860 and Section 4 of The Protection of Children from Sexual Offences (POCSO) Act, 2012 at Police Station Tigaon, District Faridabad. The petitioner is in custody since his arrest on 23.01.2020.

The FIR was registered on the statement of father of prosecutrix which reads as under:-

“Stated that 1 Ranjeet son of Sh.Ram Singh, am resident of village Shahbad, District Faridabad, am resident of village Shahbad, District Faridabad. My daughter Komal is studying in 10+1 class in Anand Public School at village Bhuapur. On 21.03.2015, she went to appear in mathematic examination. When she was coming back after the examination, at about

12.00 p.m., and reached near a farm house in Badam Colony, suddenly a swift car of white colour came from behind. His daughter was forcibly put inside the swift car, in which two boys were sitting. They were kept on roaming around in the area till evening and at about 7.30 p.m., they left his daughter outside village. One of the boy was pressurizing his daughter to solemnize the marriage. That all this was disclosed by the girl to her mother. My wife then disclosed the same to me. Complainant's daughter is 15 years old and when he asked his daughter, she got scared. She said that they were roaming around in the car with her and nothing has happened. Complainant after discussing the matter with his relatives decided to take legal action against those boys."

Learned counsel for the petitioner contends that the alleged occurrence took place on 21.03.2015 and the victim in her statement recorded under Section 164 Cr.P.C levelled allegations of rape against co-accused-Atender. He submits that the FIR was lodged after a delay on the statement of the father of the girl and that too after consultation. He has further invited the attention of the Court to the judgment dated 30.08.2016 (Annexure P-3) whereby his co-accused-Atender stands acquitted of the charges. It is pointed out that since the petitioner was declared as a proclaimed offender, who was arrested on 23.01.2020 is facing the trial on the basis of supplementary charge-sheet filed on 11.02.2020. He submits that in the given facts, further custody of the petitioner may not be necessary and prays for grant of regular bail.

On the other hand, learned State counsel assisted by SI Anand Pal opposed the prayer and has argued that the petitioner was driving the vehicle wherein the victim was abducted. He has referred to the reply filed

Tigaon, Faridabad to oppose the prayer. However, it is not disputed by him that the allegation of rape was attributed to the co-accused-Atender who stands acquitted of the charges. He on instructions further states that the prosecution is yet to examine its witnesses.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete, but charges are yet to be framed. It is apparent that the trial is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. The background of the case further reveals that the trial of the co-accused ended in acquittal, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

26.10.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No