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

**CRM-M-18151-2020
Date of Decision: 18.08.2020**

Gurbachan Singh @ Ajay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Durga Dutt Sharma, Advocate,
for the petitioner.

Mr. Gagandeep S. Chhina, AAG, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure by the petitioner, seeking regular bail in case FIR No.165 dated 18.12.2019, under Section 506 of the IPC and Sections 6 and 17 of the POCSO Act, registered at Police Station Women, Yamuna Nagar, District Yamuna Nagar.

2. With reference to the noting in the last order passed on 28.07.2020, Ld. State Counsel submits that mother of the complainant was also made a co-accused in the case. She was, however, not arrested on account of the order passed by the Hon'ble Apex Court in SLP Criminal No.1728 of 2020 on 04.03.2020, after which the matter has not come up again.

3. The petitioner was arrested on 08.11.2019 and has remained in detention ever since.

4. After completion of the investigation, challan against the petitioner has already been submitted.

5. It transpires that the petitioner had already moved an application seeking his trial as a Juvenile, since according to him, the date of the alleged offence committed, first of all, in the FIR was on 13.01.2018, whereas according to the petitioner's Secondary School Examination Certificate (Annexure P-3) issued by the Board of School Education, Haryana, the petitioner's Date of Birth is 08.08.2001. He was, therefore, apparently a Juvenile on the date of the first offence as specified in the FIR. There is, however, no mention of any dates subsequently on which he is alleged to have repeated the offence ostensibly with the connivance of the complainant's mother.

6. Furthermore, from the photographs filed by him, vide Annexure P-2, Colly., it does appear that the complainant was on pleasant and friendly terms with the petitioner for some time.

7. At any rate, considering that further detention of the petitioner is not required in the interest of investigation, there is a little justification for detaining him in custody for an indefinite period at this stage.

8. In these circumstances, without commenting any further on the merits of the present case as a whole and in view of the fact that the trial is likely to take its own substantial time to complete on account of the ongoing COVID-19 Pandemic, the prayer of the petitioner for his release on regular bail is allowed and he is ordered to be released on regular bail, subject to

the appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9. Disposed off.

18.08.2020

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No