

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

(through video conferencing)

CRM-M-18194-2020
Decided on : 05.11.2020

Lakhan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munish Mittal, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.200 dated 03.12.2018 under Sections 363, 366-A, 120-B IPC 1860 and Section 6 and 16 of POCSO Act, 2012 registered at Police Station Garhi District Jind. (Initially, the FIR was lodged under Section 346 but later on Section 346 was deleted)

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the FIR in question, as no role has been attributed to the petitioner except that he was standing outside the room, when the prosecutrix was taken inside by the co-accused Balraj. It has been further contended that the petitioner is in custody since 28.12.2018 and the prosecution evidence is yet to commence. Hence, there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from ASI Rajesh conceded that the only role attributed to the petitioner is that he was standing outside

the room when person of the prosecutrix was violated by the main accused Balraj Singh and further he had taken a sum of Rs.5,000/- for giving shelter to the prosecutrix and the main accused in the room.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 28.12.2018, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

05.11.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No