

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

CRM-M-18586-2020 (O&M)

Date of decision : 31.07.2020

Chetan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gaurav Sethi, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.22 dated 15.02.2020 registered under Section 8 of the Protection of Children against Sexual Offences Act, 2012, at Women Police Station, District Yamuna Nagar.

Contends that the version recorded by the prosecutrix is false. As per the FIR, co-accused Vishu had prepared the video, who has been found to be innocent during investigation. It has also come in the FIR that her friend, Tanya, was present at the time of occurrence. Learned counsel refers to the statement of Tanya (Annexure P-3) made before learned JMIC, Jagadhri, to the effect that nothing had happened in her presence. The petitioner is in custody since 19.02.2020. The petitioner is a young boy of 20 years and not involved in any other FIR.

On the other hand, learned State counsel has opposed the

instant petition. On instructions, learned State counsel submits that the petitioner is the main accused. The challan has been presented, however, none out of the eleven witnesses cited by the prosecution has been examined.

Heard.

Admittedly, co-accused Vishu, has been declared innocent by the police during investigation. The petitioner is behind the bars since 19.02.2020. He is not involved in any other case. The trial is yet to commence as none of the eleven prosecution witnesses has been examined. Therefore, this Court feels that keeping the petitioner under further incarceration will not serve any purpose.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

31.07.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No