

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

CRM No.M-19121 of 2020 (O&M)
Date of Decision: September 02, 2020

Prince

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Saleem Ahmed, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the pandemic COVID-19 situation

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.16 dated 03.02.2020 under Sections 452, 506 IPC and Sections 4 and 18 of POCSO Act, 2012, registered at Police Station Women Police Station, Ballabhgarh, District Faridabad.

Notice of motion.

Mr.Kapil Bansal, DAG, Haryana, accepts notice on behalf of the respondent-State and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The aforesaid case was registered at the instance of prosecutrix

years. As per version of the prosecutrix, on 03.02.2020 at about 4.00 p.m., she was alone at her house. She felt that someone is entering in her house from roof and thereafter, she had seen one boy namely Prince, who is their neighbour, to be entering in her room. He caught hold her hands and closed her mouth. After wielding knife from his pocket, he had done obscene acts upon her. He also tried to open the string of her *salwar* and touch her breast. When the prosecutrix shouted for help, the petitioner had fled away.

At this stage, it has been brought to the notice of this Court by learned State counsel that challan has been presented in the present case. Charges have been framed but however, statement of none of the prosecution witness has been recorded as yet. Learned counsel for the petitioner contends that let statement of prosecutrix be recorded before the trial Court and the same is acceptable to him.

At this stage, learned State counsel has submitted that an endeavour shall be made to record the statement of the prosecutrix through Video Conferencing before the trial Court and this contention is acceptable to the learned counsel for the petitioner also. Even though, learned State counsel states that case is fixed for tomorrow before the trial Court but however, due to very short time, it would not be possible to make necessary arrangements for recording of the statement of the prosecutrix. In the light of the same, it is hereby ordered that let statement of the prosecutrix be recorded on the next date, which shall be fixed by the trial Court tomorrow i.e. on 03.09.2020 or any other date convenient to the trial Court and the parties concerned, within a period of 10 days.

Learned State counsel is directed to supply the copy of this

order to the Investigating Officer and to facilitate recording of the statement

of the prosecutrix and other official witnesses, if they are available on the date so fixed by the trial Court.

In view of the arrangement so made to facilitate the recording of the statement of the prosecutrix, at this stage, learned counsel for the petitioner contends that he may be permitted to withdraw the present petition.

Consequently, the present petition stands dismissed as withdrawn at this stage.

(ARCHANA PURI)
JUDGE

September 02, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No