

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

Sr. No.211

CRM-M-20173-2020

Date of decision: 27.10.2020

Jitender

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Manvender Chauhan, Advocate
for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.8 dated 21.01.2020 registered under Sections 363, 366-A, 506 and 34 IPC (Sections 341, 354-A, 354-D IPC added later on) and Section 6, 12, 17 of the POCSO Act, 2012 at Women Police Station, Rohtak, District Rohtak.

Learned counsel for the petitioner submits that 10 persons were named by the prosecutrix in the present FIR out of whom after enquiry 07 have been found innocent by the police showing the falsity in the complainant's version; the petitioner has already suffered incarceration for

about 08 months; there is no other criminal case in which the petitioner is involved; the matter between the petitioner and the complainant has been compromised as a result thereof chances of the petitioner's conviction are extremely bleak; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that since the trial is yet to start the same is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is involved in serious offences under the IPC and the POCSO Act.

Learned counsel appearing for the complainant admits to the compromise between the petitioner and the complainant.

The petitioner is in custody for about 08 months; there is no other criminal case in which the petitioner is involved; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and the trial which is yet to begin is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Rohtak, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and

the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

October 27, 2020
Jyoti 1

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No