

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

CRM-M-20645-2020 (O&M)

Date of Decision:11.08.2020

Jatin & another

... Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Balraj Singh, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Sandeep, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioners seek benefit of regular bail pending trial in case FIR No.300, dated 01.05.2020, under Sections 363/366-A/368 IPC and Section 6 of the POCSO Act, registered at Police Station Model Town Rewari.

Counsel for the parties have been heard.

FIR came to be registered on the complaint of Satinder Saini/father of the victim. Allegations are with regard to the prosecutrix having been abducted and subsequently being sexually assaulted on the intervening night of 30.04.2020 and 01.05.2020.

During the course of arguments, it has gone uncontroverted that upon viewing CCTV footage, two co-accused were identified and who are not the petitioners herein.

Name of the present petitioners do not figure in the FIR. Statement under Section 164 Cr.P.C. of the victim has also been adverted to and in which there is no allegation raised against the present petitioners.

As per prosecution version, the petitioners herein were standing guard outside the room where the victim had been subjected to sexual abuse.

As per learned State counsel, the evidence against the petitioners is their own disclosure statements.

The evidentiary value of such disclosure statements allegedly made by the petitioners/accused would be a moot issue to be considered by the trial Court.

Petitioners were arrested on 01.05.2020.

Investigation in the case is complete and the challan already stands presented.

Trial is at the initial stage and would take time to conclude particularly keeping in view the current Covid-19 situation.

Without making any observations on merits, petitioners are held entitled to the benefit of bail.

Petitioners be enlarged on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

11.08.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No