

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

(Heard through VC)

CRM-M-21379 of 2020 (O&M)
Date of Decision: August 13, 2020

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sushil Jain, Advocate
for the petitioner.

Ms. Dimple Jain, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.75 dated 07.03.2020, under Section 377 of Indian Penal Code and Sections 6, 10 of POCSO Act, registered at Police Station Murthal, District Sonipat.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 17.03.2020. It is submitted that the allegations as set out in the FIR are patently false, while relying upon the MLR of the petitioner that was conducted on 07.03.2020 at 2.54 p.m. at Civil Hospital, Sonipat, which would reflect that there has been a physical assault upon him. It is argued that the instant FIR has been registered at 6.00 p.m. on the same date, which would establish that the

petitioner could not have committed the said assault. It is also contended that investigation is complete, as the challan has already been presented and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature. However, she does not dispute the fact that challan has been presented in the matter.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time to conclude and in view of the facts that the petitioner herein has been in custody since 17.03.2020 and that investigation is complete, as the challan has already been presented in the matter, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

August 13, 2020

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No