

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

**CRM-M-21316 of 2020(O&M)
Date of Decision: 13.08.2020**

Vikram @ Vicky

Petitioner.

Versus

State of Haryana

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Manjeet Kaur, Advocate
for the petitioner.

Mr. Anmol Malik, DAG., Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner, seeks the concession of bail pending trial in FIR No.225, dated 08.09.2019, under Sections 377, 506, 511 IPC (Sections 377, 511 IPC, removed and Section 6 of the Protection of Children from Sexual Offences, Act, 2012 (for short 'POCSO'), added) registered at Police Station Sadar Narwana, District Jind. Charge has been framed under Section 8 of POCSO.

Learned counsel for the petitioner submits that there is an unexplained delay of two days in lodging of the FIR which reflects on the falsity of the same. It is submitted that allegations in the FIR, do not reveal any offence punishable under Section 8 of the Protection of Children from Sexual Offences, Act, 2012 (for short 'POCSO'). The petitioner who has been in custody for nearly one year is stated to be falsely implicated in this matter and is not involved in any other criminal case. Challan in this case stands presented. It is thus prayed that this petition be allowed.

Learned counsel for the respondent-State, verifies that the petitioner is being proceeded against for the offence punishable under Section 8 and not Section 6 of POCSO. It is further verified on instructions from ASI Azad Singh that the petitioner has been in custody since 08.09.2020 and is not involved in any other criminal case. Charge against the petitioner stands framed. Due to the outbreak of the pandemic-COVID-19, not much progress is being made in the trial.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Vikram @ Vicky, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite

bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

13.08.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No.