

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

CRM-M- 21470-2020 (O&M)

Date of Decision: August 04, 2020

Ajay

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Saini, Advocate
for the petitioner.

Ms. Harpreet Kaur, 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.279 dated 29.12.2018, under Sections 17 and 6 of the POCSO ACT and Section 506 IPC (later on added Sections 363, 366-A IPC) , registered at Police Station Women, Jind, District Jind.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 02.01.2019. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that the allegations as set out in the FIR are not sustainable as the petitioner has not specifically been named in the FIR while further arguing that the statement of the prosecutrix has been recorded wherein she has not supported the alleged version of prosecution. Two

other co-accused named in the FIR already stand acquitted by the trial Court and the only role attributed to the petitioner was that he caught hold the prosecutrix when the rape was being committed upon her and that the 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-SI Prem Kumari, opposes the grant of regular bail to the petitioner while submitting that offences alleged against the petitioner are serious in nature, however, does not dispute the fact that the statement of the prosecutrix has been recorded in which she has turned hostile.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 02.01.2019 and the prosecutrix has turned hostile and the co-accused have been acquitted by the trial Court in a separate trial, 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 his execution of adequate personal and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

August 04, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No