

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

(Proceedings conducted through video Conference)

205

CRM-M-22647-2020 (O&M)

Date of decision: 19.08.2020

MOHIT

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rakesh Sharma, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail in FIR No.61 dated 27.02.2020 registered at Police Station Barauda, District Sonapat for offence punishable under Sections 323, 377, 506 IPC read with Section 34 IPC, Section 4 of the Protection of Children from Sexual Offences Act (in short 'the Act') and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, pending trial.

Heard.

Notice of motion.

Mr. Rohit Arya, DAG, Haryana accepts notice on behalf of State of Haryana.

Counsel for the petitioner would argue that there is no allegation raised by the complainant with regard to conspiracy between the petitioner and non-applicant/co-accused Amit who allegedly committed the offence with victim Sawan, a minor. It is further argued that as per the allegation, petitioner along with co-accused Amit was sitting near government school under eucalyptus trees on the fateful day of 27.02.2020. In the meantime, Sawan, Sunny and Manjit came there. The petitioner along with Amit gave beatings to Sunny, Manjit and Sawan. Thereafter, petitioner took away Sunny and Manjit to bus stand near village. Later, Amit committed un-natural sexual intercourse/sodomy with Sawan. It is further argued that the petitioner is in custody since 28.02.2020. On completion of investigation, challan has been presented in the Court and conclusion of trial will take long time particularly in the face of situation created due to

Covid-19 when Courts are not conducting regular hearings.

Counsel representing State of Haryana has not disputed the factual submissions but opposed the prayer for grant of bail by raising argument that petitioner was a conspirator with Amit for committing a heinous offence ravishing minor Sawan.

Counsel for the State, in response to a query, would fairly inform that there was no previous hostility of the petitioner against Sawan, victim of the crime. The main act constituting offence under Section 377 IPC and Section 4 of the Act has been attributed to co-accused Amit, already in custody.

Taking into consideration the sequence of events, it would be a moot point during trial, if the petitioner can be held responsible for the illegality committed by Amit with the aid of Section 34 IPC. Challan has been presented in the Court. Conclusion of trial may take long time particularly in the existing scenario that cases are not progressing. There is no allegation that petitioner is likely to flee from process of justice, in case enlarged on bail.

Without meaning to express any opinion on merits of the case, petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Additional Sessions Judge (on duty), Sonapat. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (ii) He shall not leave India without previous permission of the Court.

Disposed of.

19.08.2020

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No