

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

CRM-M-23197-2020(O&M)

Date of decision: 05.11.2020

Sanjay and others

...Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.P. Sharma, Advocate for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioners have filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 656 dated 13.12.2019 registered under Sections 148, 149, 323, 325, 354-B, 506 IPC and Section 12 of the Protection of Children from Sexual Offences (**POCSO**) Act, 2012, at Police Station City Mohindergarh, District Mohindergarh.

Learned counsel for the petitioners states that there is a delay of 5 days in lodging the FIR and the version contained in the FIR is a result of concoction and deliberations wherein with the help of the police, the provisions of POCSO Act have also been incorporated in the FIR. Even the statement under Section 161 Cr.P.C. has been manipulated, wherein cutting

and overwriting can easily be seen. On these assertions, learned counsel for the petitioners claims false implication.

Learned counsel further submits that it is a version and cross-version case. On the complaint of petitioner No. 2-Bhajan, a criminal case bearing FIR No. 676 under Sections 323, 506, and 34 IPC was registered on 24.12.2019 at Police Station City Mahendergarh, against the complainant and others.

Copy of reply by way of affidavit dated 02.11.2020 of the Deputy Superintendent of Police, Mahendergarh, submitted by the learned State counsel through email, is taken on record.

Learned State counsel, on the instructions from SI Neelam, submits that charges have been framed. He argues that Sonia and Indrawati, in their statements, have levelled specific allegations against the petitioners and others.

I have heard the learned counsel for the parties.

Even in her statement recorded under Section 164 Cr.P.C., complainant-Indrawati has stated that petitioners along with Anil and Sunny had broken her pitcher, torn her suit, embraced and beaten her, whereas Sonia in her statement recorded under Section 161 Cr.P.C. has stated that the petitioners along with other co-accused used to abuse her and used filthy language. The petitioners have been in custody for more than 5 months and petitioner No. 2 has also lodged FIR No. 676 dated 24.12.2019 against the complainant party.

The trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioners behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioners are ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

05.11.2020

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No