

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

CRM-M- 24365-2020 (O&M)

Date of Decision: August 26, 2020

Rohit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.S. Saroha, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 86 dated 04.09.2019, under Sections 8, 10, 12 of the POCSO Act and under Sections 3(W) (I) (II) & 3 (W) (2) (V) of SC and ST (Prevention of Atrocities) Act, registered at Police Station Women, District Kurukshetra, Haryana.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 05.09.2019. 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 while submitting that the matter has been investigated and challan stands presented. It is further argued that out of 16 total witnesses 04 witnesses including the material witnesses have been examined and that at best, in case of conviction, he would undergo a maximum sentence of 03 years out of which he has already undergone substantial length of custody i.e. incarceration for a period of one year and that due to pandemic COVID 19 situation, 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, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that challan has been presented and the charges stand framed.

I have heard learned counsel for the parties.

In view of the restricted working of the Courts due to pandemic COVID-19 situation, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 05.09.2019 and that out of 16 total witnesses 04 witnesses including the material witnesses have been examined and that he has already undergone substantial length of custody i.e. incarceration for a period of one year, 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.

August 26, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No