

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

CRM-M-24430 of 2020

DATE OF DECISION : 14.09.2020

Aadarsh @ Tinda

...Petitioner

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

The petitioner is seeking regular bail in FIR No.116 dated 16.09.2019 under Sections 452/506 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women Narnaul, District Mahendergarh.

2. The present FIR was recorded on the statement of prosecutrix wherein she has stated that she is 16 years old. She is living with her maternal grandfather. On 13.09.2019 at about 2.00 PM, petitioner trespassed her house by jumping a wall and came into her room. He pointed knife on her neck and pressed her mouth and molested her by touching parts of her body. When her grandfather woke up and petitioner ran away. Earlier also, petitioner had done bad acts with her 2/3 times and a panchayati compromise was also effected between them at Police Post Gahli.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the case as the alleged incident took place on

13.09.2019 whereas the FIR has been got registered on 16.09.2019. He further submits that prosecutrix has already turned hostile in Court while deposing as prosecution witness. She has deposed that her signatures were obtained by the police officials on blank papers.

4. Learned counsel further submits that investigation in the case is already over and challan has been presented. The petitioner is in custody since 31.10.2019.

5. Notice of motion.

6. Mr. Bhupender Singh, DAG, Haryana, who has joined the proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Haryana and opposes the grant of bail.

7. On a query of the Court, learned State counsel does not controvert that prosecutrix has already turned hostile in the Court and in her testimony she has deposed that petitioner is not involved in the alleged incident.

8. Having heard learned counsel for the petitioner, as well as learned State counsel, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars since investigation is already over and challan has been presented. The main witness i.e the prosecutrix has not supported the case of prosecution. The petitioner is stated to be in custody since 31.10.2019. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions.

7. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaq Magistrate/ Duty Magistrate concerned.

SEPTEMBER 14, 2020
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No