

CRM-M-24996-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-24996-2020

Date of Decision: September 24th, 2020

Ramesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Ravi Malik, Advocate for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.111, dated 25.05.2020, registered at Police Station Garhi, District Jind, under Sections 354, 452 of IPC and Sections 8 and 18 of POCSO Act.

It is the contention of the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. It is difficult to believe that the petitioner would enter the house of the maternal uncle of the victim and while she was sleeping with the other family members, he would try to rape her. Further, it is mentioned that he hid himself in the bathroom of the house where on search, he was found there and it is during questioning, he ran away from the spot when there were many family members present and even neighbours. He contends that the allegations

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against the petitioner are unsustainable and the petitioner be granted the concession of bail.

Counsel for the State, on the other hand, contends that there are categoric allegations against the petitioner that he had scaled the wall of the house of the maternal uncle of the victim where she had gone to stay and there the petitioner had tried to commit rape upon her. His contention is that the victim was 15 years of age and student of 9th class, with whom such crime was tried to be committed by the petitioner and thus, concession of bail be not granted to him.

I have considered the submissions made by the learned counsel for the parties and keeping in view the facts and circumstances of the case especially the allegations in the FIR; none having been examined out of the ten persecution witnesses; petitioner being in custody since 26.05.2020 and the trial not likely to conclude in near future because of the prevailing pandemic especially when the Courts are working in the restricted mode, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Jind.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

September 24th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No