

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.26381 of 2020
Date of Decision:12.10.2020

GOLDY

...Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Inderjeet Singh, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Reply by way of affidavit of Deputy Superintendent of Police,
Yamuna Nagar submitted by learned State counsel through email, is taken
on record.

Petitioner has filed this petition under Section 439 of Cr.P.C.
for grant of regular bail in case FIR No.117 dated 15.07.2019 registered
under sections 365, 506 and 323 (added later) of Indian Penal code, Section
6 of Protection of Children from Sexual Offences Act and 3(1)(ii) of
Scheduled Castes and Tribes (Prevention of Atrocities) Act, at Police
Station Women Yamuna Nagar, Yamuna Nagar.

Learned counsel for the petitioner states that the petitioner has
been falsely implicated in the present case. The prosecutrix has stepped into
the witness box as PW-5 and has not identify the petitioner in the Court and

further stated that the petitioner has not committed any wrong act with her. The abovesaid statement of the prosecutrix was recorded on 28.01.2020 and even in the cross examination she has not raised any finger against the petitioner. The petitioner is in custody since 17.07.2019 and that the trial is not likely to conclude on account of the prevailing Covid-19 pandemic.

Learned State counsel has pointed out that in the present case out of 18 only 11 witnesses have been examined. He has further states that the prosecutrix has appeared in the witness box as PW-5 and have specifically submitted that the petitioner has not committed any wrong act with her. Learned State counsel, however, not disputed the custody period of the petitioner.

I have heard the learned counsel for the parties.

Since the prosecutrix has already stated before the Court that the petitioner has not committed any wrong with her and the petitioner has been in custody since 17.07.2019. The trial will take time to conclude on account of prevailing COVID-19 pandemic and no useful purpose would be served by keeping the petitioner 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 petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

October 12, 2020

Jyoti Whether speaking/reasoned Yes/No Whether Reportable Yes/No