

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

Sr. No.205

**CrI. Misc. No.M-26361 of 2020 (O&M)
DATE OF DECISION: 09.10.2020**

TASLEEM @ PAYYA

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Talim Hussain, Advocate, for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Akshay Jindal, Advocate, for the complainant.

SUDHIR MITTAL, J. (ORAL)

CRM-22011-2020

Allowed as prayed for.

CRM-M-26361-2020

The petitioner seeks grant of regular bail in case FIR No. 453 dated 28.11.2019 registered at Police Station Punhana, District Nuh, under Section 365 (Sections 363, 366-A, 212 and 506 IPC and Section 4 of POCSO Act, 2012).

Learned counsel for the petitioner submits that the petitioner has been in custody since 08.01.2020. The examination of PWs has not yet started and thus, the trial is not likely to be concluded at an early date. The alleged prosecutrix was in a consensual relationship with the petitioner as is evident from her statement recorded under Section 164 Cr.P.C. (Annexure P-2) thus, the petitioner may be granted regular bail.

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Learned State counsel concedes that the examination of PWs has not yet started. He submits that one other case under Sections 294 & 506 IPC is pending.

Learned counsel for the complainant, however, informs that one more case i.e. FIR No.135, dated 29.05.2019 under Section 6 POCSO Act, 2012 and Section 376(D) is also pending. He further argues that the prosecutrix has got recorded a subsequent statement dated 13.12.2019 under Section 164 Cr.P.C., wherein, she has implicated the petitioner. She is a minor being about 15 years of age and thus, her consent is irrelevant.

This case appears to be one of consent. Photographs of the couple has been annexed as Annexure P-3 and there is no denial thereof. The trial is not likely to be concluded at an early date and the petitioner has been in custody for almost 09 months. Thus, he deserves to be granted regular bail. The prosecutrix being under 18 years of age is a matter to be examined for the purposes of conviction.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, in case, he is not in custody in some other case.

However, nothing stated herein above shall be construed to be an expression of opinion on the merits of the case.

09.10.2020

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No