

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.26723 of 2020
Date of Decision: September 15, 2020

Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aman Pal, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.171 dated 17.02.2020, under Sections 342, 366-A, 376, 34 IPC, 1860 and Section 4 of POCSO Act, 2012, registered at Police Station, Model Town, District Panipat. The petitioner is in custody since his arrest on 27.02.2020.

According to the prosecution, on 17.02.2020, complainant presented a complaint to the police to the effect that she is resident of Sondhapur, Panipat. Her parents had gone to the house of her maternal grand-mother. On 16.02.2020 at about 5.30 PM, she went to dump the garbage at garbage dump area, where her aunty Roshni wife of Dharambir met her and took her to the factory of Pawan son of Mahabir, resident of Kavi, where Pawan was already sitting in the room. Thereafter, Roshni pushed her in the room and bolted the room from the outside and Pawan started molesting her with bad intention and also tried to do wrongful act with her. She cried, then Pawan called Roshni and he ran away from the

spot after opening the door. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the complainant (victim) and her mother were working in the factory owned by petitioner and were removed from the service. He has submitted that in order to retaliate, the petitioner has been falsely implicated by the complainant and the first version given by the complainant is at material variation with her statement recorded under Section 164 Cr.P.C. It is pointed out that the co-accused of the petitioner, namely, Roshni, who was working as Supervisor in the said factory was also indicted as an accused, but she has been released on regular bail by order dated 07.07.2020 passed in CRM-M-16049-2020. According to him, the FIR was lodged after a delay and the investigation in the case is complete, therefore, the further custody of the petitioner may not be necessary. He prays for grant of bail to the petitioner, during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Shamsher Singh, has opposed the prayer on the ground that the allegations against the petitioner are serious. It is not disputed by him that the investigation of the case is complete and the co-accused, namely, Roshni has already been released on regular bail.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude as the country continues to be in the throes of global pandemic, namely, COVID-19 and the State Government and District Administration have also imposed various restrictions to curb its spread, this Court does not find any reason to decline the prayer. The petitioner after his arrest on 27.02.2020, is

presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Panipat.

The petition is allowed.

September 15, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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