

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

**CRM-M-27332-2020
Date of decision-19.11.2020**

Tushar **....Petitioner**
Vs.
State of Haryana **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pawan Kumar Hooda, 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.225 dated 29.02.2020 registered under Sections 363, 366-A Indian Penal Code, 1860 (Sections 376, 506 IPC and Section 4 Protection of Children from Sexual Offences Act, 2012 added lateron) at Police Station City Sonapat, District Sonapat. The petitioner is in custody since his arrest on 03.03.2020.

The FIR was lodged by the Lalit Kumar, father of prosecutrix, wherein it was alleged that complainant has three daughters and his elder daughter, namely, Komal, is studying in Class-10 in Hindu Kanya School. On 28.02.2020, at about 6.30 p.m., she left the house without informing anyone and they tried to search her, but she could not be found. He suspected that Tushar (petitioner) enticed his daughter on the pretext of marriage. On these allegations, this case was registered for commission of above offences.

Learned counsel for the petitioner contends that daughter of the complainant was already known to the petitioner and in her statement

was stated by her against him, to constitute the offence of rape/POCSO Act, 2012. According to learned counsel, the investigation of the case is complete, therefore, his further detention may not be necessary and prays for his release on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Rajesh has opposed the prayer. According to him, the FSL report has shown the presence of semen and human blood, however, it is not disputed by learned State counsel that the investigation of the case is complete and the final report stands filed on 22.04.2020.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete, however, charges are yet to be framed. It is apparent that the trial is yet to commence. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 03.03.2020 and his further detention may not be necessary for any useful purpose.

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 concerned.

The petition is allowed.

19.11.2020

vanita

Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

No

No

(MANOJ BAJAJ)
JUDGE