

In the High Court of Punjab and Haryana at Chandigarh

208

**CRM-M-28431-2020 (O & M)
Date of Decision: September 23, 2020**

KULDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Pardeep Parkash Chahar, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioner is seeking regular bail in FIR No.348 dated 26.11.2017, under Sections 328, 506 IPC and Section 10 of the POCSO Act, registered at Police Station, Sector-14, District Gurugram.

Learned counsel for the petitioner contends that there is delay of 09 days in lodging the FIR. After the filing of the challan, the petitioner has been charge-sheeted under Section 506, 34 IPC and Section 10 of the POCSO Act. The petitioner is 25 years of age and is in custody since 26.11.2017. He is not involved in any other case. The father of the victim was examined on 21.09.2019 and his cross-examination was deferred and he was asked to bring the date of birth certificate of the victim but thereafter despite several opportunities, he did not appear to complete his deposition. He has referred to the orders passed by the trial Court in this regard i.e. Annexures P-14 to P-19, P-21 and P-22.

Learned State counsel upon instructions from SI Sunita contends that the date of birth certificate of the victim has been obtained which indicates that her date of birth is 09.06.2001 and, therefore, she was 16 years at the time of occurrence.

Heard through video conferencing.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner is 25 years of age and is in custody for almost 02 years and 10 months, he is not involved in any other case, the trial has come to stand still due to Covid 19 pandemic, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

September 23, 2020
A.Kaundal

Whether speaking/ reasoned : Yes/No

Whether Reportable : Yes/No