

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
205 (PROCEEDINGS THROUGH V.C.)**

**CRM-M-28154-2020
Date of decision: 05.10.2020**

VIKRAM

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.**

**Mr. Arun Beniwal, DAG, Haryana,
for the State.**

**Mr. Lokesh Sharma, Advocate,
for the complainant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this application is for grant of regular bail to the petitioner in FIR No. 12 dated 13.01.2020 under Section 506 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) and Section 8 of The Protection of Children from Sexual Offence Act, 2012, registered at Police Station. Nangal Chaudhri, District Mahendergarh, Haryana.

It is the contention of the learned counsel for the petitioner that the petitioner has been arrested on 14.01.2020 and is in custody since then.

Assertion has been made that the present FIR has been lodged on the basis

of the assumption that the person, who had misbehaved with the victim, was the petitioner. This, the counsel asserts, in the light of the affidavit of the victim, who now is a major, dated 05.09.2020 (Annexure P-5) where it is so asserted. Similar is the affidavit of the complainant, which is also dated 05.09.2020 (Annexure P-6). He, therefore, contends that the petitioner be granted the concession of bail as charge has not yet been framed and, therefore, the trial is not likely to conclude in near future.

Counsel for the complainant has acknowledged the factum of affidavits dated 05.09.2020 (Annexure P-5 and P-6) given by the victim as well as the complainant, who is the mother of the victim.

On the last date of hearing, when the case was taken up i.e. 24.09.2020, counsel for the State was called upon to verify the authenticity of the said affidavits, which factum has been acknowledged today by the counsel for the State on instructions from MHC Pardeep, Police Station Nangal Chaudhri.

Having considered the submissions made by the learned counsel for the parties and keeping in view the fact that the petitioner is in custody since 14.01.2020 and even the charge has not been framed till date and also keeping in view the affidavits dated 05.09.2020 (Annexure P-5 and P-6), referred to above, with the trial not likely to conclude in near future especially in the prevailing pandemic where the Courts are working in a restricted mode with no physical appearance before the Courts, the present application is allowed.

Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, Narnaul.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

October 05 2020
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No