

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

**CRM-M No.29397 of 2020 (O&M)
Date of Decision.30.09.2020
(Heard through VC)**

Kunal

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is second application filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.732 dated 18.12.2018 under Sections 363, 366-A, 376 IPC and Section 4 of the POCSO Act, 2012 registered at Police Station City Kaithal, District Kaithal.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the present matter. He stood acquitted of all charges by an order dated 25.07.2018 passed by the Additional Sessions Judge, Kaithal and the second FIR was cancelled by the police. However, on the same allegations another FIR baring No.676 dated 23.11.2018 under Sections 363, 366-A IPC came to be registered at Police Station City Kaithal. It is argued that he has already challenged the proceedings under the said FIR before this Court in CRM-M No.24398 of 2019 in which notice of motion has been issued and passing of the final judgment has been stayed.

Counsel for the petitioner would further contend that he had withdrawn the first bail application on the ground that proceedings in the FIR had been concluded as all witnesses stood examined. However, on account of the COVID-19 pandemic, no proceedings are taking place.

Per contra, learned counsel appearing on behalf of respondent-State opposes the grant of regular bail to the petitioner on the ground that all witnesses have been examined and the matter is to be concluded.

I have heard learned counsel for the parties and deem it appropriate to allow bail to the petitioner keeping in view the fact that by an order dated 27.05.2019 while issuing notice of motion in CRM-M No.24398 of 2019, this Court has directed that passing of the final order shall remain stayed. Considering the fact that all material witnesses have been examined, there is little likelihood of the petitioner being in a position to influence them and unless and until CRM-M No.24398 of 2019 is not decided by the High Court, the trial Court would not be in a position to pass judgment and therefore, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

September 30, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No