

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

CRM-M-29387-2020 (O&M)
Date of decision : 01.10.2020

Kunal @ Gollu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Suresh Ahlawat, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.26 dated 22.01.2020 registered under Sections 346, 363, 366A and 506 of the Indian Penal Code; and Section 6 & 17 of the Protection of Children from Sexual Offences Act, 2012, at P.S. Sector 9A, Gurugram.

States that the petitioner, aged 21 years and the prosecutrix, aged 17 ½ years, at the time of registration of the FIR, were in love affair with each other. In support of his assertion, learned counsel refers to the photographs (Annexure P-3). The prosecutrix has attained majority in the interregnum and the petitioner is still ready and willing to marry her. Co-accused mother of the petitioner, Rajni, has already been granted bail by this Court.

On the other hand, learned State counsel submits that the

stands presented and the charges framed. However, none out of 21 prosecution witnesses has been examined so far.

Heard.

The petitioner is a young boy of 21 years, whereas, the prosecutrix is stated to be more than 17 ½ years of age at the time of alleged incident. The photographs (Annexure P3) are indicative of the fact that they had close proximity with each other. The petitioner is in custody since 25.01.2020. Though, the *challan* stands presented and the charges framed, but none out of the 21 witnesses cited by the prosecution has been examined. Therefore, it can safely be inferred that the conclusion of trial may take a considerable time. Thus, no useful purpose would be achieved by keeping the petitioner under further incarceration.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds with two local sureties, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

01.10.2020

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No