

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

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IN VIRTUAL COURT

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**CRM-M No. 32825 of 2020
Date of decision : 26.10.2020**

Sunil

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. S.S. Duhan, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 228 dated 4.10.2019, registered under Sections 363, 366A, 506, 376D, 354B, 34 IPC (Sections 10, 17, 4 of the Protection of Children from Sexual Offences Act, 2012 deleted), at Police Station Uchana, District Jind.

It is submitted by the counsel for the petitioner that the case against the petitioner is totally concocted; for motivated reasons. The petitioner is not involved in the alleged crime at all. Still further, it is submitted that even as per the prosecution, the main allegations are against the co-accused Sumit. Except the petitioner being present with Sumit, no further allegation has been levelled against the petitioner qua any sexual harassment of the prosecutrix. The petitioner is in custody since 5.10.2019. The challan has already been filed. Therefore, the petitioner is not required for investigation purposes. There is no other case against the petitioner.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the State.

The counsel for the State, being instructed by ASI Kuldeep Singh, submits that the name of the petitioner is specifically mentioned in the FIR. The petitioner was one of the three persons, who are alleged to have taken the prosecutrix forcibly on motor cycle. However, it is not disputed that the prosecutrix has not levelled any allegation of sexual harassment against the present petitioner; and that the main allegations are against the co-accused Sumit. It is also not disputed that the petitioner is in custody since 5.10.2019; and that there is no other case against the petitioner.

In view the above, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

26.10.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No