

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-34649 of 2020
Date of Decision: 26.11.2020

Manish

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rohtash Kumar, Advocate,
for the petitioner.

Mr. B. S. Virk, DAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail', under the provisions of Section 439 of the Cr.P.C., upon FIR no.33, dated 19.02.2020, having been registered at Police Station Bass, District Hisar, alleging therein the commission of offences punishable under Sections 363 and 366-A of the IPC as also Section 3(1)(w) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, with Section 12 of the POCSO Act, 2012 and Section 354-D of the IPC added later.

Learned counsel for the petitioner submits that the prosecutrix initially had stated that she had gone with the petitioner on her own but later on changed her statement to say that she was enticed away by the petitioner, who is 22 years

old, with the prosecutrix initially stated to have been about 16½ years old, but with the father later on changing his statement to state that she was 15 years old.

The petitioner is stated to have been in custody since February 2020, with no charge of any actual sexual assault as such made against him even as per learned State counsel.

Upon query, he further submits that though the *challan* has been presented, the trial has still to commence.

Upon further query, he submits that there is no other criminal case registered against the petitioner.

Keeping in view the above, as also the period of custody and the allegation, and the stage of the trial, without making any comment on the actual merits of the case, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

November 26, 2020
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No