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

CRM-M-33542-2019 (O&M)

Date of decision: 14.01.2020

MANISH

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rahul Vats, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

CRM-1096-2020

Prayer in this application filed under Section 482 Cr.P.C. is to place on record documents Annexures P-12 and P-13.

For the reasons stated in the application, same is allowed and the documents Annexures P-12 and P-13 are taken on record, subject to all just exceptions.

CRM-M-33542-2019

Prayer in this petition filed under Section 439 Cr.P.C. read with Section 482 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.413 dated 04.11.2018 registered under Sections 363, 366-A and 34 of IPC (Section 6 of POCSO Act added lateron) at Police Station Chand Hut, District Palwal.

On 06.11.2019, learned State counsel sought time to verify the date of birth of the victim.

Learned State counsel, on instructions from SI Kapoor Singh, states that on verification, the date of birth of the prosecutrix has been found as 27.09.2000.

Learned counsel for the petitioner has argued that since the date of birth of the prosecutrix is 27.09.2000, the provisions of Section 6 of POCSO Act and Section 366-A of IPC are not attracted in the case. He states that the petitioner is in custody since 08.11.2018 and trial in the case will take sufficient long time as only 10 witnesses have been examined so far as against total 17 witnesses cited by the prosecution. The case is now fixed before the trial Court for 19.02.2020.

Learned State counsel does not dispute the custody and the fact that 10 witnesses have been examined out of total 17 witnesses.

I have heard learned counsel for the parties.

Considering the date of birth of the prosecutrix as 27.09.2000 and she being above 18 years of age as on 03.11.2018 when she was allegedly kidnapped by the petitioner, this Court finds that the culpability of the petitioner is yet to be established during the trial. The issue of application of POCSO Act is of relevant consideration.

Taking into consideration the custody of the petitioner and the fact that trial will take sufficient long time, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds

to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

14.01.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No