

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

**CRM-M-50054 of 2019
Date of decision : 24.02.2020**

Lakhan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sunny Tyagi, Advocate with
Mr. Harsh Vardhan Sherawat, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana.

MANJARI NEHRU KAUL, J (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.981 dated 02.10.2018, under Sections 363, 366-A IPC and Section 4 POCSO Act, 2012, registered at Police Station Model Town, District Panipat.

Learned counsel for the petitioner submitted that it is a case of false implication, inasmuch as the prosecutrix in her 164 Cr.P.C. statement, which was recorded just two days after she was recovered, categorically stated that she had left her house of her own accord. Further she did not level any allegation against the petitioner or anyone else in her statement under Section 164 Cr.P.C. It has been further submitted that the petitioner is behind the bars since 4th October, 2018 and only 07 out of the 17 prosecution witnesses cited so far, have been examined.

Learned State counsel, while opposing the prayer for bail has not been able to controvert the submissions of the learned counsel for the

petitioner. He has also apprised this Court that all the material witnesses including the prosecutrix, complainant (who is the father of the prosecutrix) and mother of the prosecutrix, stand examined.

Heard.

Having considered the submissions made by either side, the petitioner has been behind bars admittedly since 4th October, 2018. Hence, no useful purpose would be served in keeping the petitioner behind bars, as the trial could take a long time to conclude. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed herein shall be not construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

24.02.2020
rekha sharma

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No