

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

CRM-M-50264-2019

Date of decision : 11.02.2020

Santu Kumar

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Susheel Gautam, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana
assisted by ASI Virender.

Mr. Ajay Ghangas, Advocate
for the complainant.

MANJARI NEHRU KAUL, J (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.73, dated 30.01.2017, under Sections 363 and 366-A of IPC and (Section 6 of POCSO Act, added later on), registered at Police Station Model Town, Paniapt, District Panipat.

2. Learned counsel for the petitioner submits that during the pendency of the trial, the petitioner was granted the concession of regular bail. However, on one particular date, he could not attend the proceedings as his wife was pregnant and there was nobody to take care of her at home, as a result of which, proceedings under Section 82 Cr.P.C. were initiated against him. The petitioner thereafter surrendered before the trial Court on 11.10.2019 and has since been behind bars. This Court has also been apprised that both the petitioner and the prosecutrix are happily married and living together now.

3. Learned State counsel, on instructions from ASI Virender submits that all the prosecution witnesses stand examined. Learned State counsel has also apprised the Court that the prosecutrix did not support the case of the prosecution and was declared hostile. The case is now fixed for recording of defence evidence which is slated to be on 12.02.2020.

4. Having considered the submissions made by either side, further detention of the petitioner will not serve any useful purpose. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate concerned. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

11.02.2020

Dinesh

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No