

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-54254 of 2019 (O&M)

Date of Decision: 18.02.2020

Ajay

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Virender Soni, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

CRM-6334-2020:

The application is allowed, as prayed. Annexure P-3 is taken
on record.

Criminal Misc. No.M-54254 of 2019:

Prayer in the present petition filed under Section 439 of the
Code of Criminal Procedure, 1973 is for grant of regular bail to the
petitioner in case FIR No.121 dated 19.03.2019 under Sections 216, 363,
366A, 506, 34 IPC and Section 6 POCSO Act registered at Police Station
Safidon, District Jind.

Learned counsel for the petitioner has argued that there is no allegation of sexual assault by the petitioner upon the prosecutrix. Moreover, the prosecutrix, in her statement under Section 164 CrPC, has stated that she left her house at her own will, as her parents wanted to solemnise her marriage with someone else, as there was love affair between the petitioner and the prosecutrix. PW-1 who is prosecutrix herself, PW-2 Sunil, who is father of the prosecutrix and PW-3 Savitri, who is grandmother of the prosecutrix, have not supported the case of the prosecution. Rather, they have been declared hostile. However, the petitioner is in custody since 20.03.2019.

Learned State counsel does not dispute the custody of the petitioner. However, she submits that no doubt, the prosecutrix has not made any allegation against the petitioner in her statement under Section 164 CrPC, but in her statement under Section 161 CrPC, she has named the petitioner.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 20.03.2019 and the prosecutrix as well as other material witnesses have not supported the case of the prosecution, coupled with the fact that conclusion of trial shall take sufficient long time, this Court deems it appropriate to release the petitioner on regular bail.

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

However, it is made clear that the observation made hereinabove shall not be construed as an expression on the merits of the case.

February 18, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned? Yes / No

Whether reportable? Yes / No