

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-54491 of 2019

Date of Decision: 06.02.2020

Nishant

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Sumit Sangwan, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

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.158 dated 07.06.2019 under Sections 354A, 354D, 384, 120B and 506 IPC, Section 12 POCSO Act and Section 67-B of the Information and Technology Act, 2000 registered at Police Station City Dadri, District Charkhi Dadri.

Learned counsel for the petitioner has argued that the prosecutrix in the case has already been examined and she has been declared hostile. Similarly, PW-5 Anisha d/o Kailash has also been declared hostile. However, the petitioner is in custody since 08.06.2019.

Learned State counsel, on instructions from ASI Vijay Pal, does not dispute the custody of the petitioner. However, she submits that the allegations against the petitioner are serious in nature, as he has made the video of the prosecutrix viral and thereby, defamed her.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 08.06.2019 and the prosecutrix has already been declared hostile and culpability of the petitioner is yet to be established during trial, 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 06, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No