

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

CRM-M-55239 of 2019 (O&M)
Date of Decision: January 09, 2020

Aman @ Gudan @ Kaira

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Duhan, Advocate
for the petitioner.

Ms. Trishanjali Chopra, AAG Haryana.

JAISHREE THAKUR, 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.162 dated 15.06.2019, under Section 8 of POCSO Act, Sections 3(1)(s), 3(1)(w)(i) of SC/ST Act and Section 506 of Indian Penal Code, registered at Police Station Narwana City, District Jind.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 16.06.2019. It is submitted that the petitioner has been falsely implicated in the present case. It is argued that the complainant has made improvement in her statement recorded under Section 164 Cr.P.C. than what she has stated in the FIR. It is also submitted that the police has presented the challan along with the mark sheet of secondary examination of the complainant wherein her date of birth has been recorded as 24.11.2011, however, the date of birth of the

complainant as recorded with the Registrar of Births and Deaths, Jind is 19.09.2000 (Annexure P-2) which shows that the complainant was not minor at the time of alleged incident, however, the said document has not been taken into possession by the police. It is also contended that investigation is complete, as the challan has already been presented and charges have also been framed and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigation Officer, opposes the grant of regular bail to the petitioner, however, does not dispute the fact that charges have already been framed.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 16.06.2019 and that after completing the investigation, challan has been presented and charges have also been framed, no useful purpose would be served in keeping the petitioner behind the bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

January 09, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No