

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-835-2021

Date of Decision: 13.01.2021

Sunny

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Karamveer Singh Banyana, Advocate,
for the petitioner.

Mr. Naveen Sheoran, Deputy Advocate General, Haryana,
for the respondent.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the petitioner in FIR No.59 dated 16.01.2020, under Sections 366-A and 506 of the Indian Penal Code and Sections 4 and 17 of the Protection of Children from Sexual Offences Act, registered at Police Station Thanesar City, District Kurukshetra.

The learned counsel for the petitioner has submitted that even as per the FIR, no offence is attributable to the petitioner and the offence, if any, was attributable to the other co-accused, namely, Banti @ Golu @ Gagan. He has further submitted that the aforesaid co-accused, namely, Banti @ Golu @ Gagan has already been granted bail by this Court on 06.08.2020. He has further submitted that the aforesaid Banti @ Golu @ Gagan and the victim, they have already got married and in the statement

recorded under Section 164 Cr.P.C, the victim has stated that no wrong has been done with the aforesaid Banti @ Golu @ Gagan. So far as the petitioner is concerned, he is not involved in any manner. However, his name has been mentioned in the FIR to the extent that he was present there. The learned counsel further submitted that the petitioner is in custody since 17.01.2020, which is almost 1½ years. He has further submitted that the investigation in the present case is complete and the challan stands presented and therefore, prayed for grant of regular bail to the petitioner.

On the other hand, the learned State counsel has submitted that so far as the custody of the petitioner is concerned, the same is not denied and the grant of bail of the other main accused is also not denied as the order of bail has already been attached with the present petition as Annexure P-2.

In view of the above and considering the totality of the facts and circumstances of the present case, I deem it fit and proper to admit the petitioner on bail. Consequently, the present petition is allowed. The petitioner shall be admitted to regular bail on his furnishing bail/surety bonds subject to the satisfaction of the learned trial Court/Duty Magistrate/Principal Magistrate, Juvenile Justice Board, concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

13.01.2021
adhikari

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No