

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-4195 of 2021 (O&M)

Date of Decision:29.04.2021

Sube Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. V. P. Sangwan, Advocate,
for the petitioner.

Mr. Zorawar Singh Chauhan, AAG, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.0233, dated 26.09.2020, having been registered at Police Station City Charkhi Dadri, District Charkhi Dadri, alleging therein the commission of offences punishable under Sections 506 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

On 22.03.2021, the following order had been passed by this court (coordinate Bench):-

“The case has been taken up for hearing through video conferencing.

Learned State Counsel seeks time to file reply.

Adjourned to 29.04.2021.

In view of the facts and circumstances of the case, I consider it appropriate that the present petition for grant of regular bail is taken up for hearing after examination of the complainant and victim girl

child in the case.

Accordingly, the trial court is directed to record statements of the complainant and victim girl child before the date fixed by this court by preponing the case, if so required and send a report along with copies of the statements to this court before the date fixed.

The Registry is directed to send a copy of this order to the trial court concerned for requisite compliance.”

Thereafter a reply on behalf of the respondent State has been filed by the DSP, Charkhi Dadri, stating that there are a total of 14 prosecution witnesses, with two prosecution witnesses, i.e the minor victim and her father, having been examined by the trial court on April 20, 2021.

The allegation against the petitioner is that he acted “amorously” with an ill-intention with a 7 year old child. However, there was no allegation of any kind of rape.

Without making any comment on the actual merits of the case, though otherwise, other than at the time of this pandemic, possibly the petitioner (being above 50 years of age), may not have been entitled to the concession of bail, however, keeping in view the fact that the trial is not likely to be concluded in the near future in this pandemic and he has been in custody for about 7 months now, the petition is allowed and the petitioner is ordered to be admitted to bail to the satisfaction of the trial court.

The reply filed on behalf of the respondent State shall be taken on record.

April 29, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No