

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

230

CRM-M-5525-2021

Date of decision: 11.02.2021

Yogesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Nirmal Singh, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 693 dated 24.08.2020 registered under Sections 506 and 34 of the IPC (for short 'the IPC') and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO') at Police Station City Jagadhari, District Yamuna Nagar.

The petitioner, who is in custody since 25.08.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case by the police in connivance with the complainant. The alleged occurrence took place on 19.08.2020 but the FIR was lodged after undue and unexplained delay of five days. The victim did not make any allegation of sexual assault against the petitioner in her statement under Section 164 of the Cr. P.C. and also stated that she does not want any action to be taken against the

petitioner and his co-accused. The complainant-Sukhwinder Kaur has also given an affidavit regarding compromise with the petitioner and has also stated that the complainant has no objection if he is released on bail. Co-accused-Aman Verma has already been granted bail by this Court vide order dated 08.01.2021. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner, along with his co-accused, is alleged to have sexually assaulted the victim a girl child aged 13 years. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, statement of the victim under Section 164 of the Cr.P.C., the period of his custody and the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.02.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No