

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

106+215

**CRM-M-5920-2021 (O&M)
Decided on : 09.08.2021**

Veeru Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Narender Kaajla, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

CRM-22558-2021

Annexures P-6 to Annexure P-9 filed along with the application are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRM stands disposed of.

CRM-M-5920-2021

This is the third petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner, in case FIR No. 46, dated 21.03.2019, under Section 6 of the POCSO Act, registered at Women Police Station, Panchkula (Haryana).

On a pointed query put to learned counsel for the petitioner as to what was the material change in circumstances, which would warrant entertaining the instant petition, he has apprised the Court that the co-

accused, who was being tried as a juvenile, has since been acquitted. He has submitted that the material witnesses i.e. Prosecutrix and her mother stand examined.

Learned counsel has further submitted that the the delay of 05 months in the lodging of the FIR in question from the date of occurrence lends credence to a false and fabricated case having been planted upon the petitioner. He has also submitted that contrary versions have been given by the mother and the prosecutrix *qua* the place of occurrence, which further create a dent in the case of the prosecution. Learned counsel has thus submitted that there is no likelihood of the trial concluding in the near future, as only 03 out of 09 prosecution witnesses cited, have been examined so far. The petitioner is in custody since 22nd March, 2019, hence, he may be granted the concession of bail.

On the other hand, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions has conceded that similarly situated co-accused has since been acquitted by the Juvenile Board. She has submitted that the remaining witnesses are likely to be examined in the near future.

Heard.

The petitioner has been in custody since 22nd March, 2019 and two material witnesses i.e. the prosecutrix and her mother stand examined. Hence, there is no likelihood of the petitioner tampering with the evidence, much less, pressurizing the material witnesses to depose in his favour.

In the circumstances, I deem it a fit case for grant of the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty

Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 09, 2021
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*