

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

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**CRM-9479, 9481-2021 in
CRM-M-8242-2021.
Date of Decision: 05.04.2021.**

Jagdip @ Gurditta

....Applicant/Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Dinesh Maurya, Advocate for applicant/petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

Lalit Batra, J.(Oral)

CRM-9479-2021

This application under Section 482 Cr.P.C. is for preponing the date of hearing of the main petition, which is already fixed for 29.04.2021.

Notice of the application.

At the asking of Court, learned State counsel accepts notice and stated that he has no objection if application is allowed.

In view of the grounds mentioned in the application and no objection by learned State counsel, hearing of the main petition is preponed and the main petition is taken on Board today itself.

CRM is allowed.

CRM-9481-2021

Copies of statements of PW-2 to PW-4 (Annexures P-4 to P-6) are taken on record, subject to all just exceptions.

CRM is allowed.

Main Case

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Jagdip @ Gurditta** for grant of regular bail in case FIR No.290 dated 19.11.2020 under Sections 363 and 366-A IPC (Sections 376(2)(n), 450 IPC and Section 6 of POCSO Act, 2012 added lateron) registered at Police Station City Ratia, District Fatehabad.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that as a matter of fact prosecutrix was aged more than 18 years at the relevant time as she was born on 20.01.2002, as is evident from the testimonies of prosecutrix (PW-2), her mother PW-3 Omi and father PW-4 Ajmer Singh. He further urges that prosecutrix (PW-2) when appeared in the witness-box did not support the prosecution version and PW-3 Omi, mother of prosecutrix and PW-4 Ajmer Singh, father of prosecutrix have also failed to substantiate the prosecution version. He further submits that petitioner is in custody since 02.12.2020 and he is no more required by the Investigating Agency for any investigation purpose. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the records.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 02.12.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that challan has already been presented in Court; that testimonies of prosecutrix (PW-2), her mother PW-3 Omi and father PW-4 Ajmer Singh have already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Jagdip @ Gurditta** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Fatehabad, as the case may be.

(LALIT BATRA)
JUDGE

05.04.2021
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No