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

**CRM-M-9384-2021 (O&M)
Date of Decision: 29.04.2021**

Nitin

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. S.S. Nain, Advocate,
for the petitioner.

Mr. Anmol Malik, DAG, Haryana, assisted by
Sub Inspector Naresh.

SUDIP AHLUWALIA, J. (ORAL)

CRM-5885-2021:

Allowed as prayed for, subject to all just exceptions.

CRM-M-9384-2021:

This is a petition filed on behalf of the petitioner for regular bail under Section 439 Cr.P.C. in case FIR No.704 dated 14.10.2020, under Sections 363, 365, 366-A, 376, 467, 468, 420 and 471 of the IPC and Section 4 of the POCSO Act, registered at Police Station City Sonipat.

[2]. The petitioner has remained in detention for more than six months, since 27.10.2020. After completion of the investigation, Challan against him has already been submitted.

[3]. Attention of the Court has been drawn to the Voter Identification Card of the prosecutrix (Annexure P-4), as also to the statement given by her before the Ld. Chief Judicial Magistrate/Duty

Magistrate, Sonipat (Annexure P-7), in which she again stated that her Date of Birth happens to be 07.08.2001, which is the same as in the Voter Identification Card. She has further stated that she had married the petitioner at her own will on 13.10.2020 and wanted to live with him. She is thereafter reported to have been sent to Nari Niketan for safe custody, after which she is now reported to be living again in her parents' house, although the date and circumstances under which she left the Nari Niketan are not readily known to the Ld. State Counsel.

[4]. The trial in the case has effectively not commenced, although charges were framed on 25.01.2021. Even the first witness from the prosecution side has not yet been examined.

[5]. As the prosecutrix is now residing with her parents, it would be fair to assume that the petitioner even if now released on bail would not be in a position to exert any undue influence or administer threat upon her.

[6]. In view thereof, without commenting any further on the merits of the present case as a whole, but in view of the detention undergone by the petitioner, and the fact that the trial is likely to take its own considerable time to complete due to ongoing covid-19 pandemic, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail, subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[7]. Disposed off.

29.04.2021

Apurva

(SUDIP AHLUWALIA)

JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No