

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 10231 of 2021

Date of Decision: 26.3.2021

Chander Pal @ Chandu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Balraj Gujjar, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

HARNARESH SINGH GILL, J. (ORAL)

This is the second application under Section 439 Cr.P.C. for grant of regular bail in FIR No. 34 dated 10.1.2020 under Sections 363, 366-A IPC and Sections 6 and 8 of the POCSO Act, 2012 registered at Police Station Mujessar, District Faridabad.

The allegations in the present case are that the petitioner kidnapped the prosecutrix out of lawful guardianship, without the consent of the parents and the missing report was lodged by her father, namely, Aamir Shau.

Learned counsel for the petitioner submits that the prosecutrix as well as her mother, aged 35 years, have not supported the prosecution version, while appearing in the witness box as PW-2 and PW-4, respectively and have been declared hostile on 28.1.2021. He further submits that the petitioner has been in custody since 13.1.2020.

Learned State counsel has not disputed the fact that the

prosecutrix as well as her mother have been declared hostile.

I have heard the learned counsel for the parties.

In the present case, the prosecutrix and her mother have not supported the prosecution version while appearing in the witness box and have been declared hostile. The petitioner has been in custody since 13.1.2020. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

March 26, 2021
Gurpreet

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