

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(202)

CRM No. M-11291-2021

Date of Decision : 22.07.2021

Shakib

....Petitioner

Versus

State of Haryana

.....Respondent

(through video conferencing)

***CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present:- Mr. Anoop Kumar Yadav, Advocate for the petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.  
(keeping in view advance copy given)

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**Harsimran Singh Sethi, J. (Oral)**

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 61 dated 07.02.2020, registered under Sections 363, 366A IPC (Section 4 of POCSO Act added later on), at Police Station City Narnaul, District Mahendergarh.

Learned counsel for the petitioner argues that the petitioner was not named in the FIR but has only been falsely implicated in the present case on the ground that on the asking of co-accused, namely, Abdul Alim, petitioner had arranged certain accommodations for the stay of the said co-accused and minor prosecutrix. Learned counsel for the petitioner submits that there are no other allegations that the petitioner has misbehaved with the minor so as to attract Section 4 of the POCSO Act.

Learned counsel further submits that petitioner is behind bars

since 22.02.2020 and the trial is likely to take some more time and the allegations as to whether, the jewellery, which was taken by the prosecutrix from her house, was allegedly given to co-accused Abdul Alim or the petitioner are yet to be proved during the trial.

Notice of motion.

Mr. Sharad Aggarwal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that the petitioner has conspired with co-accused, Abdul Alim so as to entice away the prosecutrix, who was minor and the allegation against the petitioner is that the jewellery taken by the minor from her house was handed over to the petitioner and, therefore, petitioner be not granted the benefit of regular bail as being prayed for by him.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Allegations alleged against the petitioner are not with regard to outraging the modesty of a minor in any manner and the allegations are only that the petitioner helped the co-accused, Abdul Alim to entice away the minor prosecutrix and these allegations are yet to be proved during the trial. Petitioner is already behind the bars for the last one and half year and the trial is likely to take some time before the same concludes, no useful purpose will be solved in keeping the petitioner behind the bars, especially, when learned counsel for the petitioner has undertaken before this Court

that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

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

**July 22, 2021**  
*kanchan*

**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

*Whether reasoned/speaking?*    *Yes/No*  
*Whether reportable?*                *Yes/No*