

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

CRM-M No.11380 of 2021(O&M)

Date of Decision:23.08.2021

(Heard through VC)

Sandeep Kumar @ Deepu

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Arpandeeep Narula, Advocate  
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

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**JAISHREE THAKUR, J. (ORAL)**

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.53 dated 23.05.2020 under Section 6 of POCSO Act and Section 376(D)(A)/366-A/323 of IPC registered at Women Police Station Sirsa, District Sirsa.

Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter and is in custody since 27.05.2020. It is argued that the material witnesses i.e. prosecutrix and her parents have been examined, who did not support the prosecution version. It is further argued that the co-accused has already been granted bail by this Court vide order dated 28.07.2021 passed in CRM-M No.28323 of 2021. It is submitted that the investigation has been completed and challan stands presented, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State would oppose grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, he does not dispute the fact that the prosecutrix and

her parents have turned hostile.

I have heard counsel for the parties. Keeping in view the fact that material witnesses i.e. prosecutrix and her parents have been examined, who did not support the case of the prosecution and the fact that investigation has been completed and the challan stands presented, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

August 23, 2021  
Pankaj\*

(JAISHREE THAKUR)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |