

110.

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

**CRMs-28165 & 28168-2021 IN/AND
CRM-M-12066-2021**

Date of Decision: 16.09.2021

(Heard through VC)

CHHOTU KUMAR

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Yash Dev Kaushik, Advocate,
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

JAISHREE THAKUR.J (Oral)

CRM-28165-2021

Prayer in this application filed under Section 482 Cr.P.C. is for preponement of the main petition, which is otherwise fixed for hearing on 06.12.2021.

For the reasons stated in the application, same is allowed and the hearing of the petition is preponed and the same is taken on board today itself.

CRM-28168-2021

Application is allowed, as prayed for.

Document Annexure P-4 i.e. the evidence of the prosecutrix dated 16.07.2021 is taken on record.

CRM-M-12066-2021

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.293, dated 12.09.2020, under Section 506 of IPC and Section 6 of the POCSO Act, registered at Police Station Saran, Faridabad.

Learned counsel for the petitioner, while praying for the grant of regular bail to the petitioner, would submit that the prosecutrix had got her statement recorded under Section 164 Cr.P.C. before the Illaqa Magistrate, Faridabad on 18.09.2020 and had specifically stated that she left her parental house after quarrelling with her mother and with her own consent. It is stated that now her statement has been recorded in the court in which she has admitted to the fact that she had married to the petitioner herein. Counsel would further submit that the custody of the petitioner would no longer be required as the statement of the material witness has already been recorded.

Learned counsel appearing on behalf of the respondent-State would submit that the petitioner has been nominated as an accused under Section 506 of IPC and Section 6 of the POCSO Act, however, she is not in a position to dispute the fact that the statement of the prosecutrix already stands recorded and in the cross-examination, she has stated that she had solemnized the marriage with the petitioner herein.

I have heard learned counsel for the parties and in view of the fact that the material witness has been examined, the custody of the petitioner would no longer be required at this stage.

Accordingly, the instant petition is allowed and the petitioner is

directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(JAISHREE THAKUR)
JUDGE

16.09.2021
sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No