

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

CRM-M No.11969 of 2021 (O&M)

Date of Decision:28.07.2021

(Heard through VC)

Karan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ambanshu Sahni, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Armaan Gagneja, Advocate
for the complainant.

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.366 dated 16.08.2019 under Section 4 of the POCSO Act registered at Police Station Baldev Nagar, Ambala City, District Ambala.

Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter and is in custody since 19.08.2019. It is submitted that the marriage has been solemnized between the petitioner and the daughter of the complainant out of their own freewill and a male child was born out of the said wedlock. It is argued that the prosecutrix is currently residing with the family of the petitioner and in fact a compromise has been arrived at between the parties on the basis of which petition bearing CRM-M No.8222 of 2021 has been preferred before

this High Court for quashing of the said FIR. It is also 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 investigation has been completed and the challan stands presented.

I have heard counsel for the parties. Keeping in view the fact that the investigation has been completed and the challan stands presented and moreover, a compromise has arrived at between the parties on the basis of which petition for quashing of the said FIR has been preferred before the High Court, 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.

July 28, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No