

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

218

**CRM-M-14737-2021
Decided on : 13.07.2021**

Sachin

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Aakash Singla, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, Asstt. AG, Haryana
assisted by ASI Devender.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 285, dated 30.12.2019, under Sections 376, 506 IPC (added later on Section 376D IPC) and Section 6 of the POCSO Act, 2012, registered at Police Station Linepar Bahadurgarh.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 24th February, 2020 and 13 out of the 22 prosecution witnesses cited, have been examined so far, which include the victim and her parents. Further submits that the material witnesses i.e the victim and her parents did not support the case of the prosecution and were thus declared hostile. It has also been submitted by learned counsel that the semen, which was detected on the blood sample, did not match with the petitioner.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. She has, however,

not been able to controvert the factum of the material witnesses turning hostile and also the fact that the blood sample and the semen detected on the case property, did not match with that of the petitioner.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been in custody since 24th February, 2020, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 13, 2021

J.Ram

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