

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107/2

CRM –M-15435 of 2021 (O&M)

Date of Decision: 11.11.2021

Sohan alias Sonu

...Petitioner

Versus

State of Haryana

...Respondent

2)

CRM-M-5303 of 2021

Sohan alias Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Rakesh Kumar, Advocate, for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana
Mr. Nitin Bansal, Advocate, for the complainant.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

CRM no.21600 of 2021 in CRM-M-15435 of 2021

Vide this application, the petitioners seeks to place on record the testimonies of PW-1 and PW-2 before the trial court, as annexures P-8 and P-9 respectively.

Notice in the application, with Mr. Neeraj Poswal, learned AAG, Haryana, accepting notice on behalf of the respondent State, on the asking of the court.

The application is allowed subject to all just exceptions, with the aforesaid testimonies ordered to be taken on record as Annexures P-8

and P-9 with the accompanying petition.

CRM-M-15435 of 2021

By this petition, filed under the provisions of Section 439 of the Cr.P.C, the petitioner seeks the concession of 'regular bail', upon FIR no.288, dated 30.10.2020, having been registered at Police Station Sadar Narwana, District Jind, alleging therein the commission of offences punishable under Section 346 of the IPC, with Sections 354A and 354D of the IPC and Section 12 of the POCSO Act and Section 67 of the IT Act added subsequent in the FIR, and Section 346 deleted.

This is the second petition seeking the same relief, the first being CRM-M-1218 of 2021, that having been withdrawn on 26.02.2021.

Learned counsel for the petitioner points to Annexure P-4, which is seen to be copies of affidavits stated to have been executed by the parents of the alleged victim (minor), with it stated in those affidavits that the petitioner was actually innocent and that they have no objection if he is admitted to bail.

Learned counsel next states that in fact the complainant, i.e. the father of the girl, has already testified as a prosecution witness before the trial court, stating that the petitioner had never enticed the victim to leave her house and that he had not committed any wrong act with her.

A copy of that testimony has been annexed as Annexure P-8 with the petition (CRM-M-15435 of 2021).

Mr. Nitin Bansal, learned counsel appearing for the complainant, also reiterates that in fact the complainant has no grievance

against the petitioner.

Upon query to learned State counsel, he submits that as per his instructions, both the complainant and his wife have already testified before the trial court.

Learned counsel for the petitioner, as also for the complainant, thereafter point to the statement made by the alleged victim before the learned Magistrate, (with it contended that it was under Section 164 of the Cr.P.C.), as has been annexed as Annexure P-2 with the petition, in which again it is stated that she had left her home on the previous night of her own, and thereafter she wished to go back to her parents.

Though otherwise the statement under Section 164 of the Cr.P.C. may not have been of any relevance looking at the fact that she was shown to be only 15 years of age at that stage, yet, with even the complainant and his wife having testified before the trial court to the aforesaid effect, even at this stage without making any comment on the actual merits of the case, the petition is allowed, with the petitioner, who has been in custody for more than one year now, ordered to be admitted to bail to the satisfaction of the trial court.

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Vide this petition, the petitioner seeks the quashing of the FIR in the context of which he has been admitted to bail as aforesaid.

Learned counsel submits that he does not wish to pursue the petition.

Dismissed as withdrawn.

11.11.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No