

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

CRM-M No.19633 of 2021 (O&M)

Date of Decision:08.07.2021

(Heard through VC)

Shahrukh Khan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.Sarfraj Hussain, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is third petition that has been filed for grant of regular bail to the petitioner in FIR No.36 dated 08.03.2019 registered under Sections 363, 366-A of IPC, 1860 at Police Station BPTP, District Faridabad (challan filed under Sections 363, 366-A, 365, 328, 342 of IPC, 1860 and Section 6 of POCSO Act, 2012).

Counsel for the petitioner herein would contend that in fact the petitioner and the prosecutrix had developed a love affair, consequent to which they solemnized a marriage which was opposed by the parents of the prosecutrix. They had solemnized a marriage on 13.03.2019 which was opposed by the parents of the prosecutrix. In fact, they had approached the District & Sessions Court, Nuh on 25.03.2019 for protection but were apprehended from the Court itself consequent to which the protection petition was withdrawn by the prosecutrix and she was pressurized by her parents to concoct a story implicating the petitioner for the offence of sexual assault.

Counsel for the petitioner herein would further contend that the petitioner has been in custody for more than two years having been arrested from the Court itself and as on date, statement of the prosecutrix has been recorded. It is further argued that since the statement of the prosecutrix has already been recorded there is little likelihood of the petitioner influencing her in any manner whatsoever or contacting her since she is now in the custody of her parents. It is submitted that the petitioner herein would require to lead his defence and therefore prays for grant of regular bail.

Learned counsel appearing on behalf of the respondent-State would oppose the grant of regular bail, however, is not in a position to dispute the fact that the petitioner herein has been in custody for over 2 years and that the statement of the prosecutrix already stands recorded.

I have heard learned counsel for the parties. Keeping in view the fact that the petitioner is in custody since 25.03.2019 and the statement of the prosecutrix has already been recorded and the fact that the trial is likely to take some time to conclude owing to present COVID-19 pandemic situation, 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 of Rs.1 lakh 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 08, 2021
P.Bhatt/Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No