

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.226

CRM-M No.13283 of 2020
DATE OF DECISION: 03.09.2021

Dev Kishan Sen

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video-Conferencing)

Present:- Mr. A.S.Khosa, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Vide order dated 30.09.2020, the petitioner was granted
concession of interim regular bail by the co-ordinate Bench of this Court in
the following terms:-

*“Upon query to learned State
counsel, though he opposes grant of bail to the
petitioner on the ground that he sexually
assaulted a minor 17 year old girl and is also
alleged to have duped her and her family of Rs.20
lacs, however, he does not deny that no further
progress has been made in the trial due to the
current pandemic, with only three prosecution
witnesses out of 20 having been examined so far.*

Keeping in view the above, without making any comment on the actual merits of the case, the petitioner is ordered to be admitted to interim bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned, till the next date of hearing before this court.”

Learned counsel for the petitioner submits that during the period when the petitioner was on interim regular bail he did not misuse the concession of bail even once. He has contended that he has been in custody since 29.11.20218 and there is no likelihood of the trial concluding in the near future as 09 prosecution witnesses remain to be examined, hence the order dated 30.09.2020 vide which he was granted interim regular bail be made absolute.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner has apprised the Court on instructions from SI Saroj, that all the material witnesses have since been examined by the trial Court. She further submits that the victim aged 17 years while stepping into the witness box before the trial Court supported the case of the prosecution in its entirety. She submits that in the circumstances, the trial shall not take much time to conclude as 11 out of 20 prosecution witnesses cited have been examined.

Heard.

This Court is not inclined to make the interim regular bail granted to the petitioner vide order dated 30.09.2020 by the co-ordinate Bench of this Court absolute, more so, since all the material witnesses have

supported the case of prosecution in its entirety. Accordingly, order dated 30.09.2020 stands withdrawn.

The prayer for grant of regular bail under Section 439 Cr.P.C in case FIR No.629 dated 28.11.2018 under Section 4 of POCSO Act, 2012, Section 3 of SC/ST Act, 1989, Sections 406, 506, 420 of IPC and Section 120-B IPC added alter on registered at Police Station Sector 5, Gurgaon, District Gurugram is *dismissed*. 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.

Petitioner is directed to surrender back in the Jail concerned on 06.09.2021 by 12:00 PM.

A Prayer has been made by the learned counsel for the petitioner that since the petitioner has been in custody for almost three years now, directions be issued to the trial Court to conclude the trial expeditiously.

In the circumstances, trial Court shall endeavour to expedite the trial and conclude the same preferably, within six months from today.

3rd September, 2021

Shivani Kaushik

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No