

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

(209)

CRM-M-18590-2021
Date of Decision : May 20, 2021

Jitender Singh

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harshit Kedawat, Advocate, for
Mr. Priyavrat Parashar, Advocate, for the petitioner.

Mr. Sharad Aggarwal, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.37 dated 10.03.2021 under Sections 363, 366-A and 506 IPC and Sections 6, 17 and 21 of the POCSO Act registered at Police Station Rampura, District Rewari, Haryana.

Learned counsel for the petitioner argues that only allegations alleged against the petitioner is that the petitioner being the Manager of a Lodge, had given a room on the asking of the co-accused and the prosecutrix in the lodge being managed by him. Learned counsel for the petitioner submits that the petitioner is already behind the bars since 26.03.2021.

Notice of motion.

Mr. Sharad Aggarwal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned counsel for the respondent-State submits that once the petitioner had recorded the actual age of the prosecutrix being minor, he should not have given/provided to room to them.

Learned counsel for the respondent-State concedes that only allegation against the petitioner is allowing the co-accused and the prosecutrix to avail the facility of a room but submits that said act attracts Section 16 of the POCSO Act qua the petitioner as well.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, only allegation against the petitioner is for providing the room to the co-accused alongwith the minor prosecutrix and there are no other allegation against the petitioner, keeping the petitioner behind the bars in view of the pandemic of Covid-19, will no serve useful purpose as the allegations against the petitioner are yet to be proved during the trial.

Keeping in view the above, the petitioner has made out a case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 20, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No