

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

CRM-M No.18253 of 2021 (O&M)

Date of Decision:13.07.2021

(Heard through VC)

Mohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. C.B. Goel, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

CRM No.15497 of 2021

For the reasons stated in the application, the same is allowed
and the amended petition is taken on record.

CRM-M No.18253 of 2021

This is a petition that has been filed for grant of regular bail to
the petitioner in FIR No.50 dated 06.02.2021 registered under Sections 346,
365, 376, 420, 467, 468 and 471 IPC and Section 6 & 17 of the POCSO Act
at Police Station Rai, Sonapat.

Learned counsel for the petitioner herein would contend that
offences under the said FIR are not made out against the petitioner, as
would be evident from the statement of the prosecutrix herself where she
has stated that she had called co-accused Sandeep at Bahalgarh from where
she left with him for Charkhi Dadri of her own volition. It is argued that
prosecutrix has herself stated that she solemnized marriage with Sandeep

and consumated the marriage thereafter. It is also argued by Mr. Goel that statements of the prosecutrix and other material witnesses have already been recorded and therefore, there is no likelihood of the petitioner influencing them. The trial is likely to take some time to conclude as out of 26 witnesses cited only 4 have been examined and therefore, prays for concession of bail to the petitioner.

Learned counsel for the respondent-State opposes grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, he does not dispute the fact that statement of the prosecutrix and other material witnesses have been recorded.

I have heard learned counsel for the parties. Keeping in view the fact that statement of the prosecutrix and other material witnesses have been recorded and the fact that the trial is likely to take some time to conclude as out of 26 witnesses cited only 4 have been examined, no useful purpose would be served in keeping the petitioner behind bars. Moreover, the prosecutrix is in custody of her parents and therefore, likelihood of the petitioner influencing the prosecutrix is remote. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond 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 13, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No