

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

**CRM-M No.19276 of 2021 (O&M)
Date of Decision.24.05.2021
(HEARD THROUGH VC)**

Shyam

...Petitioner

Vs

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Manvender S. Chauhan, Advocate
for the petitioner.

Mr. Vishal Kashyap, AAG, Haryana.

Mr. R.S. Bajwa, Advocate
for the complainant.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in case FIR No.397 dated 25.08.2020 registered under Sections 328, 376, 379, 450, 506 IPC and Section 4 of the POCSO Act (Section 457 IPC and Section 8 of the POCSO Act added later on) at Police Station Kundli, District Sonipat.

Learned counsel for the petitioner herein would contend that in fact, the petitioner has been falsely implicated in the said matter, as would be evident from the statement recorded by the prosecutrix before the Additional Sessions Judge, Sonapat. It is submitted that the prosecutrix had specifically stated that no wrong act had been committed upon her. It is argued that in fact, on the statement having been recorded, the Additional Sessions Judge, Fast Track Court, Sonapat has already initiated proceedings under Section 340 Cr.P.C. read with Section 195 (1) (b) Cr.P.C. against the

complainant.

Whereas learned counsel appearing for the respondent-State opposes grant of regular bail to the petitioner, however, is not in a position to counter the fact that statement of the complainant/prosecutrix has been recorded in which she has not supported the case of the prosecution.

I have heard learned counsel for the parties. Keeping in view the fact that the statement of the prosecutrix has been recorded wherein she has not supported the case of the prosecution and the fact that the trial is likely to take some time to conclude, owing to COVID-19 pandemic situation, no useful purpose would be served in keeping the petitioner behind the bars. 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.

(JAISHREE THAKUR)
JUDGE

May 24, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No