

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

CRM-M-19337-2021(O&M)

Date of decision: 20.08.2021

Rohit

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Nikhil Chopra, Advocate for the petitioner.

Mr. Pardeep Prakash Chahar, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this 3rd petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in case FIR No.410 dated 21.12.2019 registered under Section 376-DA IPC, Section 6 of the POCSO Act, 2012 and Sections 66-E and 67 of the I.T. Act, 2000 at Police Station Kunjpura, District Karnal.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. The complainant-mother of the prosecutrix and the prosecutrix have already been examined and has turned hostile. The petitioner was neither named in the FIR, nor in the statement

recorded under Section 164 of the Cr.P.C. Moreover, co-accused Vijay Kumar, who was specifically named in the FIR, has been granted bail vide order dated 28.07.2021 passed by a Coordinate Bench. The petitioner has been in custody since 28.12.2019.

Learned State counsel, while opposing the prayer for bail, submits that the offence is serious in nature and there being specific allegations against the petitioner, he is not entitled to the concession of the bail. He however, does not dispute the custody period of the petitioner and the complainant-mother of the prosecutrix and the prosecutrix have turned hostile.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 28.12.2019. Though the case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Moreover, co-accused is on regular bail. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

20.08.2021
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No