

**107+220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19890-2021 (O&M)

Date of Decision: 20.8.2021

Dilshan

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

Mr. U.K.Agnihotri, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

CRM-25837-2021

Annexures P-4 and P-5 are taken on record.

The application stands allowed.

CRM-M-19890-2021

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.187 dated 30.8.2020 under Sections 363, 366-A, 506, 420, 201, 467, 468, 471, 216 IPC and Section 6 of POCSO Act, 2012 and Sections 9 and 10 of Child Marriage Act registered at Police Station Bilaspur, District Yamuna Nagar.

The present FIR was lodged on the statement of the complainant Subedar son of Yamin, who is the father of the prosecutrix. On the basis of the allegations, the investigation commenced and thereafter

statements were recorded.

It has been contended by learned counsel for the petitioner that the prosecutrix as well as the complainant, both are examined before the trial Court. He has drawn the attention of the Court to the relevant documents i.e. FIR and statement recorded under Section 164 Cr.P.C., where the role of the petitioner Dilshan was said to be that he prepared the documents pertaining to the marriage of the prosecutrix with accused Ikhlas. He has further drawn attention of this Court to the deposition of the prosecutrix and the complainant before the trial Court while being examined as prosecution witnesses. The prosecutrix therein had deposed that it was the main accused Ikhlas, who told her that the present petitioner also accompanied him. However, she had never seen the petitioner earlier. The complainant, Subedar who is the father of the prosecutrix also deposed that he had nothing to say against the present petitioner. The petitioner is behind bars since 20.4.2021. The trial would take long time in its conclusion, he asserted.

Learned counsel for the complainant has also affirmed the contentions raised by learned counsel for the petitioner.

Learned State counsel opposes the contentions raised by learned counsel for the petitioner. However, he submits that both the complainant and the prosecutrix have been examined before the trial Court. Out of total 36 prosecution witnesses, 5 prosecution witnesses have been examined. The next date before the trial Court is 22.9.2021.

In the facts and circumstances of the case, I find that further incarceration of the petitioner is unwarranted. Accordingly, the present

petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

20.8.2021
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No