

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

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**CRM-M-25614-2021
Decided on : 12.07.2021**

Arjun @ Anju @ Fateh Chand

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Sandeep S. Majithia, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, AAG, Haryana
assisted by ASI Rajwati.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 15, dated 09.02.2021, under Sections 6, 17 of the POCSO Act, 2012 and Section 506 of IPC, registered at Police Station Women Police Station, District Karnal.

Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely nominated as an accused in the FIR in question. Learned counsel for the petitioner has invited the attention of this Court to the allegations levelled in the FIR in question, which was registered at the instance of the mother of the victim. It has been submitted that a perusal of the FIR in question clearly reveals that there is not even an iota of whisper, much less, any specific allegation *qua* the complicity of the petitioner in the crime in question. He submits rather it had been categorically stated by the complainant in the FIR in question that when the co-accused, who were friends of the petitioner tried to make a video and commit sexual assault on her daughter, it was the petitioner, who came to her rescue, but was held back by the co-accused, who then went on to assault the victim. Learned counsel has also drawn the attention of this Court to the statement of the victim recorded under Section 164 Cr.P.C., wherein, she has not levelled any allegation of any wrong doing against the

petitioner. He further submits that the petitioner has been in custody since 11th February, 2021 and report under Section 173 Cr.P.C. stands presented. Hence, there is no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Rajwati, has apprised the Court that the occurrence in question took place in the house of the petitioner. However, she has not been able to controvert the factual aspect of the submissions so made by learned counsel for the petitioner that there were no allegations levelled against petitioner of any sexual assault, much less of being an accomplice in the crime in question.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been in custody since 11th February, 2021, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 12, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*