

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-23474-2021 (O & M)
Date of Decision: December, 06, 2021

NAIM

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Gaurav Sethi, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.38 dated 07.02.2021, under Section 4 of the POCSO Act and Section 506 IPC, registered at Police Station Ambala Cantt, District Ambala.

Learned counsel for the petitioner contends that it is alleged that the petitioner had sodomized a 12 year old boy. The petitioner was about 17 years of age at the time of occurrence. Copy of the Adhar Card (Annexure P-4) indicates that his date of birth is 01.01.2004. He further contends that all the material witnesses including the victim himself, who was examined as PW-1; mother of the victim, who was examined as PW-2 and father of the victim, who was examined as PW-3, have not supported the prosecution case qua the involvement of the petitioner. The petitioner is in custody for over 10 months since his arrest on 08.02.2021. He does not have any criminal antecedents.

Learned State counsel upon instructions from SI Mukesh states that 12 out of 16 prosecution witnesses have been examined. He, however, is

not in a position to controvert the submission of the learned counsel for the petitioner that all the material witnesses have not supported the prosecution case qua the involvement of the petitioner. He further contends that FSL report indicates the presence of semen but the DNA report is awaited.

Heard.

In view of the above, especially when the material witnesses have not supported the prosecution case, the petitioner in custody for over 10 months, he does not have criminal antecedents, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

December, 06, 2021
A.Kaundal

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