

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 23439-2021 (O&M)

Date of Decision: 17.09.2021
(Heard through VC)

Naveen

..... Petitioner

VERSUS

State of Haryana

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Amit Kumar Goyal, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana

JAISHREE THAKUR, J.(Oral)

CRM-29847-2021

Documents Annexure P-5 and P-6 are taken on record .

Application is allowed.

CRM-M- 23439-2021

The instant petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner pending trial in FIR No.254 dated
06.07.2020, under Sections 328, 376, 506 IPC and Section 6 of the POCSO
Act registered at Police Station Civil Line, District Sonapat.

Learned counsel for the petitioner would contend that the
petitioner herein has been falsely implicated in the present case. It is inter-
alia argued that the petitioner and the prosecutrix were known to each other

and the relationship was consensual in nature while further submitting that the statement of the prosecutrix has been recorded and there are several discrepancies in that statement. It is submitted that in her statement the prosecutrix has admitted of using a phone provided by the petitioner herein so that her family members would not be aware of their chats and they could not be tracked. It is also admitted therein that there were repeated calls between them for almost 5-10 times a day. It is also submitted in the statement that the complainant did not stop the petitioner from sending *WhatsApp* messages. It is further argued that statements of other material witnesses have also been recorded but still the trial is likely to take time to conclude.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature and there are several threats that have been extended to the complainant at the hands of the petitioner herein and that a voice sample is yet to be taken, however, does not dispute the fact that the statement of the material witnesses have been recorded.

I have heard learned counsel for the parties.

The trial is likely to take some time to conclude. The statements of the material witnesses have been recorded, so there would be no chance of influencing them at the hands of the petitioner. No useful purpose would be served in keeping the petitioner behind bars any longer. At this stage, without commenting on the merits of the case, the instant petition is allowed with a condition that the petitioner would present him for

the voice sampling as and when required and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bond in the sum of Rs. 01 lac each to the satisfaction of concerned trial Court/Duty Magistrate.

Anything observed in this order shall not be construed as an expression of opinion on merits of the case.

17.09.2021
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No