

CRM-M-25483-2021

Date of Decision: 9.7.2021

Aman Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ashit Malik, Advocate, for the petitioner.

Mr. Amrik Narwal, Deputy Advocate General, Haryana.

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.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.89 dated 3.3.2019 under Sections 354-D and 452 IPC and Section 8 of POCSO Act, 2012 and Section 3(1)(R)(S) of SC/ST Act, 1989 registered at Police Station Indri, District Karnal.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner was found innocent during the investigation as he was kept in column No.2 while presenting the challan. It was during the trial when he was summoned under Section 319 Cr.P.C. Learned counsel for the petitioner further contends that the false implication of the petitioner is writ large and the trial would take sufficient long time, hence, the petitioner should be enlarged on bail.

Learned State counsel has endorsed the contentions of learned counsel for the petitioner that the petitioner was summoned under Section

319 Cr.P.C. He further states that out of total 13 witnesses only one witness has been examined so far. He opposed the bail application of the petitioner.

In the totality of the facts and circumstances of the case, when nothing was found against the petitioner during investigation and he was summoned during trial under Section 319 Cr.P.C, I find that learned counsel for the petitioner has made out a case for grant of regular bail. 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.

(RAJESH BHARDWAJ)
JUDGE

9.7.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No