

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(215)

CRM-M-27792-2021(O&M)

Date of Decision: 27.07.2021

Akash @ Lucky

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. S.K. Tandon, Advocate for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

Mr. Akash Juneja, 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.

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.14 dated 27.1.2021 under section 4 of POCSO Act and sections 506, 509 I.P.C (later on sections 5(L), 6 and 12 of POCSO Act were added), registered at Women Police Station, Yamuna Nagar.

Learned counsel for the petitioner vehemently contends that the petitioner was falsely implicated in the present FIR and no offence, as alleged, is made out against him. It has been further contended that petitioner is behind bars since 29.1.2021. Counsel further contends that after commencement of the prosecution both the material witnesses i.e. the victim and the mother have been examined before the learned Trial Court and both of them have not supported the case of prosecution. Counsel has

drawn my attention to their deposition made before the learned Trial Court and the same have been placed on record as Annexures P-3 and P-4.

On the other hand, learned State counsel has not been able to dispute the factual position, however, he submits that the offences are serious in nature and thus, no case for bail is made out.

In the overall facts and circumstances of the case, when the material witnesses have been examined and they have not supported the case of prosecution. Besides this the petitioner is behind bars since 29.1.2021 and hence further incarceration is unwarranted in the facts and circumstances. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

27.07.2021

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