

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)**

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**CRM-M-28104-2021(O&M)
Decided on : 26.10.2021**

HARMEET @ GOLU

....Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Ravinder Singh Saroha, Advocate
for the petitioner.

Mr. Gagandeep Singh Chinna, AAG Haryana
assisted by SI Prem Kumari.

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.93, dated 12.10.2020 under Sections 323, 341, 354-A, 506 and 509 of the IPC and Section 10 and 12 of POCSO Act registered at Police Station Women Jind, District Jind.

Learned counsel submits that the petitioner who has been in custody since 11th November 2020 be extended the concession of bail as only 02 out of 10 prosecution witnesses cited by the prosecution stand examined, hence there is no likelihood of the trial concluding in the near future. Learned counsel while inviting the attention of this Court to the allegations levelled in the FIR in question submits that false allegations have been levelled against the petitioner that he would make obscene

gesture towards the victim, aged 15 years, and try to obstruct her way besides also proposing to her. Learned counsel further submits that since the victim has already been examined by the trial Court, his further incarceration would not serve any useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions of the counsel opposite on instructions from SI Prem Kumari has submitted that there are allegations against the petitioner of blocking the way of the victim as and when she would go outside her house and would pressurize her to perform marriage with him.

On a pointed query, learned State counsel has apprised the Court that there were no allegations of any sexual assault against the petitioner, however, there was a specific allegation made by the victim that on 09th October, 2020 she was pressurized by the petitioner to flee with him or else face dire consequences.

I have heard learned counsel and perused the material on record.

Since the victim, who is the sole material witness, has been examined and her mother too has been partly examined before the trial Court, the further incarceration of the petitioner would not serve any useful purpose. Moreover, two out of ten prosecution witnesses cited remain to be examined, hence there is no likelihood of the trial concluding any time in the near future.

In view of the the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner is admitted to

bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 26, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>