

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.28323 of 2021 (O&M)

Date of Decision:28.07.2021

(Heard through VC)

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.53 dated 23.05.2020 under Section 6 of POCSO Act and Section 376DA/366-A/323 of IPC registered at Women Police Station Sirsa, District Sirsa.

Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter and is in custody since 27.05.2020. It is argued that the material witnesses i.e. prosecutrix and her parents have been examined, who did not support the prosecution version. It is submitted that the investigation has been completed and challan stands presented, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State would oppose grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, he does not dispute the fact that the

prosecutrix and her parents have turned hostile.

I have heard counsel for the parties. Keeping in view the fact that material witnesses i.e. prosecutrix and her parents have been examined, who did not support the case of the prosecution and the fact that investigation has been completed and the challan stands presented, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

July 28, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No