

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

216

CRM-M-25386-2020 (O&M)

Date of decision: 10.02.2021

Karamvir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. R.S. Sathi, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-31264-2020

For the reasons mentioned in the application, the same is allowed and certified copies of order dated 27.11.2019 and statement of victim dated 25.11.2020 are taken on record as Annexures P-5 and P-6 respectively.

CRM-M-25386-2020

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, “the Cr.P.C.”) for grant of regular bail in case FIR No.211 dated 02.06.2019 registered under Sections 363, 366, 406 and 452 of the Indian Penal Code, 1860 (for short, “the IPC”) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sector 5, Panchkula.

The petitioner being in custody since 26.07.2019 has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Noopur Bishnoi, HPS, Assistant Commissioner of Police, Panchkula in the Registry of this Court which is taken on record.

I have heard arguments addressed by learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. In her statement under Section 164 of the Cr.P.C. and during her examination in the trial Court, the victim did not support the case of the prosecution and stated that she had gone with the petitioner out of her own free will due to maltreatment by her grand-father and the petitioner had done nothing wrong with her. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having committed heinous offences and in view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that the

victim did not support the case of the prosecution and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No