

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

CRM-M-30819-2021
Decided on : 09.08.2021

Sumit

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rakesh Nehra, Sr. Advocate with
Mr. Chirag Kundu, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Mohit Rathee, Advocate for
Mr. Aman Pal, Advocate for the complainant.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.458 dated 01.10.2020 registered under Sections 354-A, 376-DA, 120-B, 506 and 34 IPC, 1860 and Sections 4, 6, 8 and 12 of POCSO Act at Police Station Sampla District Rohtak.

Learned senior counsel for the petitioner inter alia contends that the false implication of the petitioner in the case in hand is evident from the fact that neither the petitioner was named nor attributed any role either in the FIR in question, which was registered soon after the occurrence in question or in the statement of the prosecutrix recorded under Section 164 Cr.PC. He submits that it was only after 14 days of the registration of the FIR in question, the petitioner was assigned a role by the prosecutrix in the alleged crime. While inviting the attention of this Court to the

supplementary statement of the prosecutrix on the basis of which the petitioner was involved in the crime in question (Annexure P-3) learned senior counsel submits that the only role attributed to the petitioner was of guarding the house (i.e. the place of occurrence) at the time of alleged occurrence. The petitioner has been in custody since 14.10.2020 and there is no likelihood of the trial concluding in the near future. Hence, a prayer has been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel has opposed the prayer of learned senior counsel for the petitioner. She on instructions from SI Hawa Kour has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner with respect to the role attributed to the petitioner in the crime in question.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 14.10.2020, the trial is unlikely to conclude in the near future. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

09.08.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No