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

CRM-M-32029-2021
Decided on : 10.11.2021

Sonu ..... Petitioner

Versus

State of Haryana ..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parveen Sharma, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

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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.75 dated 14.03.2021 registered under Sections 363, 366-A IPC, 1860 (Sections 506 and 120-B IPC and Section 6 of POCSO Act added later on) at Police Station Nissing District Karnal.

Learned counsel for the petitioner has submitted that the petitioner was not named in the FIR in question and has been falsely implicated in the case in hand only because he was an acquaintance of main accused Vishal, who allegedly enticed away the victim from her own house on 13.03.2021. He has further submitted that the false implication of the petitioner further finds credence from the fact that in her statement recorded under Section 164 Cr.PC, the prosecutrix stated that the petitioner had taken her away, however, while stepping into the witness box as PW-1 she came up with a contrary version and only stated that the petitioner had met both her and the main accused Vishal on the way. Still further, he has submitted that as far as allegations of an offence under Section 6 of POCSO Act are

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concerned, they have not been attributed to the petitioner. In support of his submission, learned counsel has drawn the attention of this Court to the deposition of the prosecutrix, which has been placed on record today. A prayer has, therefore, been made to extend the concession of bail as there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the prayer made by counsel opposite on instructions from SI Shri Bhagwan has conceded that the role attributed to the petitioner in the statement recorded by the victim under Section 164 Cr.PC, was at variance with the role spelt out by the victim while stepping into the witness box as PW-1 and there were no allegations of any sexual assault levelled against the petitioner by the prosecutrix.

Heard learned counsel for the parties and perused the material available on record.

In the facts and circumstances of the case as enumerated hereinabove coupled with the fact that the petitioner has been in custody since 29.03.2021, the present petition is allowed as the trial is unlikely to conclude in the near future. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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

10.11.2021
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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No

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