

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

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CRM-M-32346-2021(O&M)
Date of Decision : August 17, 2021

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.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Naveen Singh Panwar, DAG, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.120 dated 27.4.2019 under Sections 363, 366-A IPC (Sections 342, 328, 506, 34 IPC and Section 6 of the POCSO Act were added later on), Police Station Jind Sadar, District Jind.

Learned counsel for the petitioner has submitted that in the present case the petitioner was falsely implicated and a false FIR was lodged by the mother of the prosecutrix. He submitted that during the course of trial, neither the prosecutrix has supported the case of the prosecution nor the complainant who is the mother of the prosecutrix has supported and has rather stated that no wrong act has been done by the petitioner. He has referred to the statement made by them vide Annexure P-2. He has further submitted that the petitioner is in custody since

6.5.2019 and the material witnesses have already been examined and no useful purpose will be served in case the petitioner is kept in custody for longer time.

Mr. Panwar, learned DAG, Haryana has stated that both the prosecutrix and her mother have turned hostile and they have not supported the case of the prosecution. The custody period of the petitioner is also not in dispute.

I have heard learned counsels for the parties.

The petitioner is in custody for more than two years and the material witnesses have been examined and as per Annexure P-2, the prosecutrix and her mother have not supported the case of the prosecution. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

In view of the totality of circumstances of the present case, the petitioner shall be admitted to bail.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

(JASGURPREET SINGH PURI)
JUDGE

August 17, 2021
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No