

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(243)

CRM-M-36110-2021(O&M)

Date of Decision: 07.09.2021

Naresh

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Pradeep Chhoker, Advocate for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

RAJESH BHARDWAJ.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.128 dated 17.4.2021 under sections 363, 366-A I.P.C (challan filed under sections 328, 363, 366, 376, 506 IPC and Section 4 of POCSO Act) registered at Police Station, Israna, District Panipat.

Learned counsel for the petitioner vehemently contends that the petitioner was falsely implicated in the present FIR and no offence, as alleged, is made out against him. It has been further contended that the FIR in question was lodged by the mother of the prosecutrix namely Suman, wherein it had been alleged that her daughter i.e. the victim is 15 years of age and she was found missing from the home and she was sure that she has enticed away by one Somvir. It has been contended that the petitioner was not even named in the FIR, however, he was subsequently implicated in

the FIR. Counsel submits that petitioner was arrested on 24.4.2021. It has been further contended that the innocence of the petitioner is substantiated from the fact that the victim as well as the complainant i.e. the mother of the victim have been examined before the Trial Court as PW-1 and PW-2 respectively and both have resiled from their statements and hence declared hostile. It is submitted that the petitioner deserves to be granted bail in view of the attending circumstances of this case.

On the other hand, learned State counsel, though, opposes the submissions made by counsel for the petitioner on the fact that he is facing serious charges and the victim is a minor. However, he is not in a position to deny the fact that both these material witnesses have not supported the case of prosecution.

After hearing both the sides, I find that the trial would take some time in its conclusion, whereas the material witnesses have already resiled in the trial court. In the totality of circumstances and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

07.09.2021

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No