

CRM-M-30591-2020

Date of Decision: 22.03.2021

Rahul alias Sandeep

.....Petitioner

Vs.

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 208, dated 22.06.2020, registered at Police Station Sadar, District Yamuna Nagar, for the alleged commission of an offence punishable under the provisions of Section 506 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

On 24.11.2020 the following order had been passed by this court:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Learned counsel for the petitioner submits that other than the delay in the FIR, the background of the matter is that there was an altercation between the family of the alleged victim and the family of the petitioner about one month prior to the date of occurrence and that even the medical evidence does not show any injury etc. on the person of the alleged victim

(minor boy), which would be surprising, considering that the boy is stated to be only 11 years of age.

A query having been put on the last date of hearing to learned State counsel with regard to any other criminal antecedents of the petitioner, he submits that as per the custody certificate supplied to him there is no other criminal case registered against him.

The petitioner is also stated to have been in custody since June 22, 2020, with the trial still to commence.

Keeping in view the above, without making any comment on the actual merits of the case, the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate, concerned, till the next date of hearing before this court.

Adjourned to 19.01.2021.

A gazetted officer is directed to file a detailed reply to the petition also annexing therewith the medical report qua the alleged occurrence.

Naturally, the factum of any previous dispute between the families of the alleged victim and the petitioner, would be brought out in detail in the affidavit to be filed.”

Thereafter, a reply of the Deputy Superintendent of Police, Yamuna Nagar, dated 30.12.2020, has been filed, stating therein that as per the testimony of a 'Panch' of the village, there was no family dispute between the petitioners' family and that of the complainant; and consequently, the contention to that effect on the last date of hearing, is completely false.

However, learned counsel for the petitioner submits that other than the statement of one 'Panch', the statement of neither the 'Sarpanch' nor

any other '*Panch*' has been referred to, with even the petitioner not having been put any query by the investigating officer, and in any case now with the complainant and the alleged victim having testified before the trial court, there would be no reason for the petitioner to be denied the concession of bail, he already having been admitted to interim bail earlier with that concession not misused.

Upon query to learned State counsel, he does not deny, as per his instructions, that the complainant and the alleged victim have testified before the trial court, though he submits that they fully supported the case of the prosecution.

Keeping in view the fact that the petitioner had already been in custody for about 05-06 months prior to him being admitted to interim bail, with the material witnesses already having been examined, without making any comment on the actual merits of the case, the petition is allowed with the order dated 24.11.2020 made absolute.

March 22, 2021
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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE
Yes/No
Yes/No.