

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

(Proceedings through Video Conferencing)

**CRM-M-36730-2021
Date of Decision : 10.09.2021**

Mohit Petitioner
Versus

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. L.K.Gollen, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

MANJARI NEHRU KAUL (Oral)

Instant petition has been filed under Section 439 Cr.P.C. 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 & 34 IPC and Sections 4, 6, 8 and 12 of the POCSO Act, 2012, at Police Station Sampla, District Rohtak.

Learned 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 the petitioner was neither 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 13 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-4) learned 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. Learned counsel submits that the charges have since been framed and the petitioner has been in custody since 14.10.2020, the petitioner be extended the concession of bail. It has also been submitted that similarly situated co-accused has been enlarged on bail by this Court vide order dated 09.08.2021(Annexure P-9).

Per contra, learned State counsel has opposed the prayer of learned senior counsel for the petitioner. He, on instructions, has however 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

10.09.2021
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No