

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

CRM-M-31265-2020
Decided on : 08.01.2021

Fariyad

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Punjab.

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.277 dated 30.10.2019 registered under Sections 363, 366-A and 120-B IPC,1860 and Section 4 of POCSO Act, 2012 at Police Station Hassanpur District Palwal.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand on the allegations of luring the 14 years old daughter of the complainant. Learned counsel has invited the attention of this Court to the statement dated 30.10.2019 (Annexure P-2) of the victim recorded under Section 164 Cr.PC before JMIC, Hodal soon after her alleged recovery from the custody of the petitioner wherein she not only exonerated the petitioner rather stated that it was her cousin Sakir, who had violated her person and committed rape with her but she was being pressurized by her parents not to register any case against aforementioned Sakir and instead implicate the petitioner in the FIR in question due to a family dispute between the them. Learned counsel has

further submitted that co-accused Pappan has since been extended the concession of regular bail by this Court vide order dated 18.09.2020 (Annexure P-3). Hence, he may also be extended the concession of bail as he has been in custody since 03.11.2019 and the trial is unlikely to conclude in the near future as prosecution evidence has not yet commenced.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. He on instructions from ASI Aas Mohd. has admitted that the victim has not assigned any role to the petitioner in the alleged crime in her statement made under Section 164 Cr.PC.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 03.11.2019, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. 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

08.01.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No