

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-38639-2021(O&M)
Date of Decision: 21.09.2021**

Sunny @ Shani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Manoj Tanwar, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.242 dated 27.05.2020 under Sections 363, 366A IPC and Section 4 of the POCSO Act, 2012 registered at Police Station City Mohindergarh, Haryana.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated in the present case. It is submitted that the statement of the prosecutrix recorded under Section 164 Cr.P.C. does not implicate the petitioner herein in any manner whatsoever for an offence under Section 4 of the POCSO Act. It is argued that the prosecutrix had refused to get her medical examination done, which would further establish false implication. It is submitted that the matter has been investigated and the challan stands presented. It is submitted that trial is likely to take some

time to conclude, therefore, custody of the petitioner would no longer be required.

Learned counsel for the respondent-State opposes the grant of regular bail by contending that the petitioner has been nominated as an accused under Section 4 of the POCSO Act, but he is not in a position to dispute the fact that the investigation stands completed and challan has been presented and that prosecutrix had refused to get her medical examination done.

I have heard counsel for the parties and have also perused case file.

The prosecutrix has not levelled allegations against the petitioner attracting provisions of Section 4 of the POCSO Act, in her statement under Section 164 Cr. P.C. and had even refused to get her medical examination done. Investigation is complete and the trial is likely to take long to conclude. Without commenting on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail, with a condition that he would not make any attempt to contact the prosecutrix or be within her vicinity during the pendency of the trial, on his furnishing bail bond in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of trial Court/Duty Magistrate concerned.

Anything observed hereinbefore shall not be construed as an observation on merits of the case.

21.09.2021

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(JAISHREE THAKUR)
JUDGE

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