

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

215

CRM-M-34708-2020

Decided on:16.02.2021

IRSHAD @ ANVAR

.... Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Chetan Kapoor, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.181 dated 04.05.2019 under Sections 120-B, 363, 366-A, 376 and 506 IPC and Section 4 of POCSO Act, registered at Police Station Ganaur, District Sonipat.

Counsel for the petitioner herein would argue that he has been in custody since 06.05.2019. It is argued that he has been falsely implicated in the said case as it would be evident from the MLR which would be available on the record as Annexure P-3. Counsel for the petitioner would also submit that the charges have been framed as far back as 06.08.2019 but the prosecutrix has not come forth to have her statement recorded despite being summoned on various occasions. It is also argued that there is an order dated 05.11.2020 vide which the respondent-State had been directed to ensure the presence of the complainant on 10.11.2020 so that her statement would be recorded.

Learned counsel appearing on behalf of the the respondent-State submits that every effort has been made to have the prosecutrix appeared before the trial Court. However, as on date, her statement has not been recorded.

I have heard counsel for the parties.

After perusing the order dated 05.11.2020, wherein this Court had directed that an endeavour should be made to have statement of the prosecutrix recorded, it appears that the prosecutrix has not come forth on 10.11.2020 to record her statement. On instructions from State, it has come on record that the statement of the prosecutrix has not yet been recorded.

In view of the fact that prosecutrix is not coming forth to have her statement recorded, this Court deems it appropriate to allow regular bail to the petitioner. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond of ₹50,000/- to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

16.02.2021
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(JAISHREE THAKUR)
JUDGE

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