

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

103

CRM-M-34119-2020
Date of decision : 27.01.2021

Surender @ Soran

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for the respondent-State.

Mr. Gaurav Singla, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.99 dated 29.05.2019 registered under Sections 365 of the Indian Penal Code, 1860 in Police Station Chhainsa, District Faridabad to which Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added lateron.

After arguing for some time, learned Counsel for the petitioner submits that the petitioner does not want to continue with the present petition and the same may be dismissed as withdrawn with liberty to move the trial Court for grant of bail in view of subsequent change in the circumstances.

Dismissed as withdrawn with liberty as aforesaid.

However, in view of the observations made by Hon'ble Supreme Court in *Doongar Singh Vs. State of Rajasthan 2018 (1)*

RCR Criminal 256, State of U.P. Vs. Shambhu Nath Singh and

others, 2001 (2) R.C.R. (Criminal) 390, Hussain and another Vs. Union of India 2017(2) RCR Criminal 312 and Thana Singh Vs. Central Bureau of Narcotics 2013(1) R.C.R(Criminal) 861, the trial Court is directed to conclude the trial expeditiously preferably within a period of two months from the date of receipt of copy of this order by conducting trial on day to day basis as far as possible and by allocating block of dates for the trial as directed by Hon'ble Supreme Court and by issuing coercive process for securing presence of the prosecution/defence witnesses, if so required.

In case of non-appearance of any of the prosecution/defence witnesses, the trial Court shall take appropriate action against the concerned witness absenting without any lawful excuse by filing complaint under Section 174 of the Indian Penal Code, 1860 or taking proceedings under Section 350 of the Cr.P.C. against him.

In view of observations of Hon'ble Supreme Court in *Ankush Shivaji Gaikwad Vs. State of Maharashtra : 2013(2) RCR (Criminal) 1036*, the trial Court shall, at the time of final determination of question of guilt or innocence of the petitioner/accused, also consider the question of award of compensation to the prosecutrix or to the accused as the case may be.

In case of acquittal on the ground of the complainant and the prosecutrix resiling from the prosecution version, the trial Court shall, in addition to considering the question of award of compensation to the accused, also consider the question as to whether any compensation has been awarded to the prosecutrix under the Victim Compensation Scheme and if yes then the prosecutrix shall be required to refund the same.

A copy of this order be sent to the trial Court concerned for requisite compliance.

27.01.2021

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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