

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.34585 of 2020 (O&M)

Date of Decision:02.07.2021

(Heard through VC)

Rohit @ Kallu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Munish Behl, Advocate
for the petitioner.

Mr. Dhurv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

CRM No.12710 of 2021

The application for preponing the date of hearing is dismissed
as having been rendered infructuous.

CRM-M No.34585 of 2020

This is a petition that has been filed for grant of regular bail to
the petitioners in FIR No.490 dated 25.09.2020 registered under Section 8
of the POCSO Act and Section 452 IPC at Police Station Suraj Kund,
District Faridabad.

Learned counsel for the petitioner herein would contend that
the petitioner has been implicated falsely in the said FIR and is in custody
since 24.09.2020. It is contended that no offence under Section 8 of the
POCSO Act is made out against the petitioner. The investigation has been
completed and the challan stands presented, therefore, custody of the
petitioner would no longer be required. The trial is likely to take some time

to conclude as out of 15 witnesses cited, only the four witnesses have been examined including the prosecutrix. Since the statement of prosecutrix has already been recorded, likelihood of influencing the prosecutrix would not arise.

Learned counsel for the respondent-State opposes grant of bail to the petitioner by contending that the allegations levelled against him are serious in nature, however, he does not dispute the fact that the matter has been investigated and the challan stands presented.

I have heard learned counsel for the parties. Keeping in view the fact that the investigation has been completed and the challan stands presented and the fact that the trial is likely to take some time to conclude as out of 15 witnesses cited only 4 have been examined, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond 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.

July 02, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No