

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

CRM-M-35052-2020 (O&M)

Date of Decision: 18.08.2021

(Heard through VC)

Akash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sandeep Wadhwan, Advocate,
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner in case FIR No.108 dated 19.04.2019 under Sections 452, 506 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 and Sections 3(2) (v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station City Narwana, District Jind.

Learned counsel for the petitioner herein prays for grant of regular bail to the petitioner on the ground that the complainant and the prosecutrix are not stepping forth to have their statements recorded. It is argued that ample opportunities have already been given to them. However, despiteailable warrants being issued as far back as 31.08.2019, they have not come forth. Even non-ailable warrants were issued for their appearance on 08.01.2020, however, despite service, they did not put in an appearance. The Additional Sessions Judge, Jind, by an order dated

12.03.2020 has taken note of the fact that witnesses despite service are not putting in an appearance.

Learned counsel for the respondent-State opposes the bail application contending that there is ample evidence available on record that an offence has been committed against the prosecutrix.

I have heard counsel for the parties and have also perused case file as well as the zimni orders attached with the petition. The trial Court has been making several efforts since August 2019 to secure the presence of the material witnesses, however it appears that they are shying from stepping forth to give their statements. In view of the above narrated facts, there remains no chances of the petitioner, who is in custody since 13.04.2019, to hamper the trial. In such circumstances, I deem it appropriate to allow the benefit of regular bail to the petitioner as the trial is likely to take long to conclude. The petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

18.08.2021

Riya

(JAISHREE THAKUR)

JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No