

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through video conferencing)**

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**CRM-M-40529-2021(O&M)
Decided on : 01.10.2021**

ANKIT

....Petitioner(s)

Versus

STATE OF HARYANA

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Ms. Varuna Singh, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana
assisted by SI Sumer.

MANJARI NEHRU KAUL, 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.231, dated 31.05.2020 under Sections 328, 363, 366-A and 34 of the IPC and Section 12 of POCSO Act, registered at Police Station Kundli.

Learned counsel submits that a perusal of the deposition of the victim clearly reveals that except that the presence of the petitioner was shown at the spot when the victim regained consciousness, she had not levelled any allegation against the petitioner of any wrongdoing, much less, sexual assault. Learned counsel while inviting the attention of this Court to the deposition of the victim (Annexure P-5) submits that during her cross-examination she had categorically stated that the petitioner neither kidnapped nor sexual assaulted her and was innocent.

Per contra, learned State counsel while opposing the prayer of the learned counsel for the petitioner on instructions from SI Sumer has

fairly conceded that the main allegations are against co-accused Aman, who allegedly kidnapped the prosecutrix and thereafter solemnized marriage with her. Learned State counsel has further conceded that during her deposition no allegations had been levelled against the petitioner of kidnapping or sexual assaulting and only his presence was shown in the room when the prosecutrix regained consciousness. She has further apprised the Court that material witnesses stand examined and now the next date before the trial Court is 19th October 2021, when some more prosecution witnesses are likely to be examined.

I have heard the learned counsel for the parties and perused the material on record.

The petitioner has been in custody since 01st June 2020 and there is no likelihood of the trial concluding any time in the near future. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 01, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>