

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

210

CRM-M-37672-2020 (O&M)

Date of decision : 28.01.2021

Yashveer

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Birinder Singh Khehar, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.519 dated 16.08.2020, under Sections 363, 366A IPC and Sections 4, 17, 21 of the POCSO Act, 2012 registered at Police Station City Yamunanagar, district Yamunanagar.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein it is mentioned that co-accused, namely, Vikram had assaulted the victim. In her statement under Section 164 Cr.P.C., only a reference has been made to the petitioner that he used to open the railway crossing and there is no allegation against him. The victim, in her statement before the trial Court as PW-2, has also not supported the prosecution case qua the involvement of the petitioner. He also contends that the petitioner is in custody for over 5 ½ months and is not involved in any other criminal case.

Learned State counsel states that the petitioner was arraigned as an accused on the allegation that his house was used by co-accused, namely, Vikram. He, however, is not in a position to controvert the submissions of learned counsel for the petitioner that the victim did not depose with regard to the involvement of the petitioner either in her statement under Section 164 Cr.P.C. or as PW-2 before the trial Court. He, upon instructions from ASI Kuldip Singh, contends that 02 out of 18 prosecution witnesses have been examined.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioners, especially when the petitioner is not named in the FIR, the victim has not deposed qua the involvement of the petitioner, he is in custody for over 5½ months, he is not involved in any other criminal case, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

January 28, 2021
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No