

CRM-M-42786-2021

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

(205)

CRM-M-42786-2021.
Date of Decision:-14.10.2021.

Pardeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Akshay Kumar Dahiya, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.242 dated 28.08.2020 under Sections 377, 506 IPC and Section 6 of the POCSO Act, registered at Police Station Barauda, District Sonipat.

Learned counsel for the petitioner has submitted that in the present case, the material witnesses have been examined and they have not supported the case of the prosecution. Reference has been made to the statement of witness No.2, who is the alleged victim, who has specifically stated that he does not know the accused (shown through video conferencing) and that no unnatural offence was committed by the petitioner with him. To the same effect is the statement of witness No.5, who is the father of the victim as well as witness No.3, who is the mother of

CRM-M-42786-2021

the victim. It is further argued that the petitioner has been in custody since 01.09.2020 and there are as many as 17 witnesses and 12 witnesses are yet to be examined and, thus, the trial is likely to take time, moreso, in view of the COVID-19 pandemic.

Learned State counsel, on instructions from ASI Naresh, has opposed the bail application and has submitted that the present offence is a heinous offence and, thus, the trial should be directed to be expedited and as per the FSL report, human semen was detected on the underwear of the victim.

This Court has heard the learned counsel for the parties.

Keeping in view the above-stated facts and circumstances of the present case, moreso, the fact that the material witnesses i.e., witness No.2, the victim, witness No.5, father of the victim and witness No.3, mother of the victim have not supported the case of the prosecution and have in fact, not identified the petitioner as the person who has committed the offence as alleged and also the fact that the petitioner has been in custody since 01.09.2021 and 12 prosecution witnesses are yet to be examined and, thus, the trial is likely to take time, moreso, in view of the COVID-19 pandemic situation and also the fact that the petitioner is not involved in any other case, the present petitioner deserves the concession of grant of regular bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to the fact that he is not required in any other case.

CRM-M-42786-2021

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 14, 2021.
sandeep
Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No