

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

CRM-M-39080-2020

Date of decision : 01.03.2021

Naveen Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Raman Kumar Sharma, Addl. A.G., Haryana.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

This is third petition preferred under Section 439 Cr.P.C. seeking bail in FIR No.379, dated 11.04.2020, registered under Sections 3, 4, 5, 6 & 7 of Immoral Traffic Prevention Act, 1956, Section 188 of Indian Penal Code, 1860, Section 6(2A), 8 of The Protection of Children from Sexual Offences (POCSO) Act, 2012 and Section 51(b) of Disaster Management Act, 2005 at Police Station Thanesar City, District Kurukshetra.

Learned counsel for the petitioner states that the petitioner has no connection or concern whatsoever with the alleged incident. He has been falsely implicated by the police. The respective mothers of the victims have sworn affidavits that their daughters had never met the petitioner. Co-accused Umesh Kumar has already been granted bail by this Court vide order dated 20.07.2020 passed in CRM-M-15710-2020 and the case of the

petitioner is at par with him. The petitioner is in custody in this case since 11.04.2020.

On the other hand, learned State counsel states that the currency notes given by the decoy customer were recovered from the petitioner. The victims have categorically made statements under Sections 161 Cr.P.C. and 164 Cr.P.C. wherein specific allegations have been levelled against the petitioner.

Heard.

Considering the fact that challan stands presented; nothing remains to be recovered from the petitioner; in this case there are 32 prosecution witnesses and 8 have been identified as material witnesses, out of whom only 3 have been examined till date; conclusion of trial is likely to take a long time; the long period of incarceration of the petitioner and the fact that co-accused Umesh Kumar, who has been attributed similar role by the prosecution, has been granted bail by this Court, are fresh circumstances in favour of the petitioner; no useful purpose shall be served by keeping the petitioner behind the bars, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing indemnity bonds with two local sureties in the like amount to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

01.03.2021
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No