

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

**CRM-M-40098 of 2020(O&M)  
Date of Decision: 13.01.2021**

Anil Kumar

Petitioner.

**Versus**

State of Haryana

Respondent

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. Deepak Singh Saini, Advocate  
for the petitioner.

Mr. Ashish Yadav, Addl.AG., Haryana.

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**LISA GILL, J.**

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner, seeks the concession of bail pending trial in FIR No.113, dated 08.12.2019, under Sections 323, 452, 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women, District Ambala.

It is submitted that the petitioner has been falsely implicated in the abovesaid FIR which has been lodged after an unexplained delay. It further is submitted, that apart from the fact that offence as alleged, is not reflected from the medical evidence on record, the victim had earlier also lodged FIR No. 239 dated 15.06.2020, under Sections 363, 366-A IPC,

against another person. Moreover, the victim as well as her parents have been examined before the learned trial Court and they have not supported the prosecution version. Learned counsel for the petitioner has circulated copies of depositions of the victim-PW-2 and parents i.e., PW-3 and P-4 recorded before the learned trial Court, in which they have denied occurrence of the incident as alleged in the FIR. The petitioner, it is submitted has been in custody since 10.12.2019 and is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the respondent-State is unable to deny that the victim as well as her parents have not supported the prosecution case. It is further verified on instructions from SI Sita Devi that petitioner has been in custody since 10.12.2019 and is not involved in any other criminal case. A number of other witnesses are yet to be examined and trial is not likely to conclude in the near future.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade any witness from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Anil Kumar, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty

Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

**13.01.2021**  
**s.khan**

**[LISA GILL]**  
**Judge**

Whether speaking/reasoned : Yes/No.  
Whether reportable : Yes/No.