

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(215)

CRM-M-45802-2021

Date of decision: - 08.11.2021

Devvart

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rajnikant Upadhyay, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.
(keeping in view of the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present is the second petition filed under Section 439 Cr.P.C.
for the grant of regular bail to the petitioner in respect of FIR No.19 dated
18.01.2021, registered under Sections 384, 506, 354-B, 354-C, 201 and
34 IPC; Section 67 of the Information Technology Act and Sections 12
and 14 of the Protection of Children from Sexual Offences Act, 2012, at
Police Station Sadar, Sonapat.

Learned counsel for the petitioner submits that the
allegations alleged against the petitioner are false and rather he has
wrongly been involved in the present case. Learned counsel for the
petitioner further submits that not only the prosecutrix, but even her father

has not supported the prosecution, therefore, the petitioner, who is behind bars since 22.01.2021, be extended the benefit of regular bail.

Learned State counsel submits that though, neither the prosecutrix nor the complainant, who is father of the prosecutrix, have supported the prosecution, but there are certain transactions between the parties, which create doubts, as to whether, the testimony of the prosecutrix and the complainant is correct or not especially in view of the fact that there were photographs, which were already brought on record during the investigation, which prima facie proves the allegations alleged against the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, the complainant as well as the prosecutrix have already been examined and they have not supported the prosecution. This Court is not opining on the innocence/guilt of the petitioner as of now as the pronouncement upon the guilt or innocence will only be rendered by the learned trial Court on the basis of the complete evidence, which will come on record during the trial. As the material witnesses have already been examined and the trial is likely to take some time before it concludes, no useful purpose will be served by keeping the petitioner behind the bars any further during the trial especially when learned counsel for the petitioner has undertaken before this Court that in case the petitioner is extended the concession of regular bail, he will maintain good conduct on bail and will not influence the trial or the witnesses in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 08, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No