

212.

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

CRM-M-39497-2020

Date of decision: 28.01.2021.

ASHISH BAHADUR ACHARYA

... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Ms. Gaganpreet Kaur, AAG, Haryana,
with ASI Satyanarayan.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, during the pendency of trial, in case FIR No.1238 dated 21.12.2018 registered under Sections 309, 365, 451, 506, 511 of IPC and Section 6 of POCSO Act, 2012 (though charges were framed by the learned trial Court only under Sections 363, 366-A, 451, 506 and 309 IPC) at Police Station City Sirsa, District Sirsa.

The earlier petition i.e. **CRM-M-8857-2020** filed by the petitioner for the similar relief was dismissed vide order dated 04.03.2020, as the case was at an advance stage of trial.

The allegation against the petitioner is that he entered the house of the complainant and while the daughter of the complainant was playing in the courtyard, the petitioner tried to fled away her with bad intention. However, during this period, the wife of the complainant came out from the toilet and after seeing the situation, she raised alarm and hearing her noise, the complainant came out. The complainant and his wife tried to get their daughter rescued from the petitioner. On this, the petitioner threatened them to press the neck of the girl. On raising the alarm, the other persons from the neighbourhood gathered there and in this manner, the complainant and his wife got their daughter rescued from the clutches of the petitioner. They caught hold the accused with some effort and on inquiry, he disclosed his name as Aashish Acharya.

Counsel for the petitioner submits that the petitioner is in custody since 22.12.2018. The earlier petition filed by the petitioner was dismissed being at an advance stage, vide order dated 04.03.2020 and even after March, 2020, the status remained the same and no other witness has been examined after that date. In this manner, trial is standstill.

Learned State counsel does not dispute the custody and the fact that the trial has not proceeded ahead after passing of the order dated 04.03.2020.

I have heard learned counsel for the parties.

Noticing the fact that the petitioner is in custody since 22.12.2018 and on account of Covid-19 pandemic, trial could not proceed further in the case and the stage of the trial remained static as existed on 04.03.2020, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

(HARI PAL VERMA)
JUDGE

28.01.2021
sanjeev

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