

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

218

**CRM-M-40889-2020
Date of decision: 15.03.2021**

BUNTY

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vikas Gulia, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 269 dated 06.06.2020 registered under Sections 363 and 366-A of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Shahabad, District Kurukshetra to which Section 4 of the Protection of Children from Sexual Offences Act, 2012 was added later on.

The petitioner, being in custody since 08.06.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Atma Ram, HPS, DSP, Shahabad in the Registry which is taken on record.

Learned counsel for the petitioner has filed certified copies of the statements of the complainant and victim girl child recorded by

the trial Court which are taken on record.

I have heard learned counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The present FIR was lodged on concocted allegations one day after the alleged incident. In her statement recorded under Section 164 of the Cr. P.C. the victim girl child stated that she had gone with the petitioner out of her own free will. During trial also the complainant and victim girl child did not support the case of the prosecution. Yet examination of remaining prosecution witnesses is pending and the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having committed heinous offences. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, statement of the victim girl child under Section 164 of the Cr.P.C. and statements of the complainant and victim girl child made during trial and the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19, but without commenting on the

merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.03.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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