

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Azad, Advocate for the petitioner.

Mr. Aman Bahri, Addl. AG, Haryana.

(The case has been taken up through video conferencing on account of Covid-19 Pandemic)

VIVEK PURI,J. (ORAL)

Asif-petitioner is seeking regular bail in the case bearing FIR No. 79 dated 04.10.2018 under Sections 211/343/506/34 of IPC and Section 4 of POCSO Act, registered at Police Station Adarsh Nagar, Ballabgarh.

Briefly, the case has been registered on the allegations that the child victim aged about 13 years was sexually abused. The petitioner along with four other persons had sexually abused and committed oral sex. Love-co-accused has also sexually abused the child in the room of Rinku. The petitioner had taken the child to Sergarh where he was kept in custody.

It has been argued by the learned counsel for the petitioner that there is no allegation of sexual abuse of the child leveled against the petitioner. The petitioner along with four other persons are facing trial. All the accused except the petitioner and Rahul Kumar have been released on bail. Furthermore, Rahul Kumar, co-accused has also been granted bail by this Court. The petitioner is in custody since 17.10.2018 and is not involved in any other case. The statement of

A the victim as well as his parents have also been recorded.

Learned State counsel has not assailed the aforesaid factual aspects and has stated that out of 22 witnesses, 9 have already been examined. The trial of the case is going at fairly good pace and has opposed the bail application on the score that the co-accused have sexually abused the child aged about 13 years and they were sharing common interest with the petitioner.

It is significant to note that the co-accused have been granted bail and the victim and parents have also been examined during the course of trial. There is no allegation with regard to sexual intercourse leveled against the petitioner. The petitioner has undergone incarceration for a period of more than two and a half years. The investigation of the case is complete, challan has already been presented and the conclusion of the trial is likely to take sometime on account of restricted hearing of the Courts due to Covid-19 Pandemic. As such, no fruitful purpose will be served by detaining the petitioner in further custody and sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

16.09.2021
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(VIVEK PURI)
JUDGE

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