

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-46824 of 2021
Date of Decision : 11.11.2021

Ram Abhilash

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arjun Dhingra, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana
assisted by S.I. Susheela.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No. 236 dated 25.12.2020 registered under Section 506 of the IPC and Section 10 of the POCSO Act at Police Station Women NIT, District Faridabad.

Learned counsel for the petitioner argues that the petitioner is in custody for the last about one year and the prosecutrix, who is a minor, as well as her mother, who is complainant have not supported the prosecution version. Learned counsel for the petitioner submits that keeping in view the said development, keeping the petitioner behind the bars will serve no useful purpose as the trial is likely to take some time before it concludes.

Learned State counsel on the other hand submits that though, initially the prosecutrix, who is a minor had made certain allegations against

the petitioner while getting her statement recorded under Section 164 of the Cr.P.C but, thereafter, neither the prosecutrix nor her mother have supported the allegations against the petitioner in their testimony during the trial.

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

Keeping in view the facts and circumstances, which have been detailed hereinbefore, though, the guilt/innocence of the petitioner is to be decided on the basis of the complete evidence, which will come on record during the course of trial but, as the prosecutrix as well as her mother have already been examined, no useful purpose will be served by keeping the petitioner behind the bars, as the trial is likely to take some time before it concludes. Hence, the petitioner has made out a case for the grant of regular bail especially, when learned counsel for the petitioner undertakes that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

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 11, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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