

CRM-M-43014-2020

Date of decision: 16.09.2021

RAHUL KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Johan Kumar, 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)

Vakalatnama has been filed on behalf of the petitioner in Court through email and same is taken on record.

Rahul Kumar-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, District Faridabad.

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

It has been contended by the learned counsel for the petitioner that at the first instance he was found innocent and has been summoned under Section 319 Cr.P. C. The similarly placed co-accused namely Manish @ Alian who has also been summoned under Section 319 Cr.P.C. has been granted concession of regular bail in terms of order dated 25.11.2020 passed by the Co-ordinate Bench

09.01.2020 and is not involved in any other case. Furthermore, the statement of 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 petitioner along with co-accused has sexually abused the child aged about 13 years.

It is significant to note that the petitioner has been summoned under Section 319 Cr.P.C. The similarly placed co-accused has been granted bail, the victim and parents have also been examined. The petitioner has undergone incarceration for a period of more than one and a half year. The investigation of the case is complete, challan has already been presented, 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