

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.50066 of 2021

Date of Decision:10.12.2021

Narender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.S. Mehndiratta, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a second petition that has been filed for grant of interim bail to the petitioner for a period of one month in FIR No.177 dated 30.09.2013 registered under Sections 376-D, 365, 216 of the IPC and Sections 6 and 17 of the POCSO Act at Police Station Pillukhera, District Jind, to enable the petitioner to take care of his aged father who requires surgery.

Learned counsel for the petitioner contends that the petitioner is in custody since 27.03.2019 and trial is not likely to conclude in a short span of time. It is further contended that petitioner's father requires an immediate surgery as advised by Dr. Yogender Singh, Neuro Surgeon, Oscar Super Speciality Hospital & Trauma Centre(P) Ltd., Sonipat. It is argued that though his father has two other sons, none of them is stepping forth to look after him and it is minor child of the petitioner aged 14 years,

studying in Chandigarh, who has taken the responsibility of looking after his grandfather. However, it is a major surgery and the minor child would not be in a position to do so.

Reply of the respondent-State has been filed wherein a categorical stand has been taken that the father of the petitioner has two other sons other than the petitioner, who would be in a position to look after the aged man. However, it is not in a dispute that they are residing separately.

I have heard counsel for the petitioner and have perused the pleadings of the case along with the reply filed by the respondent-State and deem it appropriate to allow interim bail to the petitioner for a period of two weeks from the date of his release. This interim bail is being allowed to the petitioner by also taking into consideration the fact that the statement of the prosecutrix-victim has been recorded and the petitioner, if released, would not be in a position to influence her testimony.

The instant petition is allowed and the petitioner is directed to be released on interim bail for two weeks on execution of personal/surety bonds of Rs.2 lacs each to the satisfaction of concerned trial court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

December 10, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No