

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

CRM-M No.46913 of 2019 (O&M)

Date of Decision:23.08.2021

(Heard through VC)

Jasbir @ Jassu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rakesh Nehra, Senior Advocate with
Mr. Atul Ravish, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Rajesh Hooda, Advocate
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.259 dated 12.07.2019 under Sections 323, 376(2)(N) IPC registered at Police Station Beri, District Jhajjar.

Counsel senior counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter especially when there is an admission by the prosecutrix/victim that she had physical relationship with the petitioner herein as far back as 2014 for the first time. She stated that they had established relationship almost 100-150 times over the past seven years and it is only when the petitioner herein solemnized a marriage elsewhere that the instant FIR came to be filed. It is further argued that statements of material witnesses have already been recorded and therefore,

the petitioner herein would not be in a position to influence the victim. It is further argued that in case regular bail is allowed to the petitioner herein he shall be in a position to establish that the petitioner and the prosecutrix were in a consensual relationship.

Learned counsel appearing for the respondent-State opposes grant of regular bail to the petitioner by contending that the trial is at the fag end.

Learned counsel appearing for the complainant would submit that the first incident complained of was when the complainant was a minor and that is why petitioner has been charged for offence committed under the POCSO Act.

At this stage, counsel for the respondent-State would point out that in the prayer clause, there is no mention of grant of bail under Section 4 of the POCSO Act.

Mr. Atul Ravish, instructing counsel for the petitioner would make an oral request for addition of Section 4 of the POCSO Act in the head note and prayer clause of the petition.

Ordered accordingly.

Registry is directed to carry out necessary amendment in the head note and prayer clause of the petition.

I have heard counsel for the parties. Keeping in view the fact that material witness has been examined on 18.01.2020 and therefore, there is no likelihood of the petitioner influencing her and the fact that petitioner is in custody since 14.07.2019 and his release on bail would give an opportunity to him to lead his defence effectively, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the

petitioner is directed to be released on regular bail on execution of adequate personal/surety bond of Rs.1 lakh each to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

August 23, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

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