

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

CRM-M No.5537 of 2022

Date of Decision:31.03.2022

Shyoraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.01 dated 03.01.2021 registered under Sections 363, 366A, 506 IPC and Sections 6 and 17 of the POCSO Act at Police Station Tigaon, District Faridabad.

Counsel for the petitioner would contend that the petitioner has been falsely implicated in the said matter as would be evident from the statement given by the prosecutrix in Court, wherein, she admitted to have developed physical relationship with the petitioner and not making complaint with the police at the relevant time. She has also admitted the factum of making phone calls to the petitioner. It is submitted that the petitioner is in custody since 05.01.2021 and since the statement of the victim has been recorded, there would be a little chance of him influencing her testimony. Trial is likely to take some time to conclude, as out of 25 witness cited, only 02 have been examined so far.

Learned counsel for the respondent-State would oppose grant of regular bail to the petitioner by contending that the allegations levelled against the petitioner are serious in nature, however, he does not dispute the fact that after the challan stood presented, statement of prosecutrix has been recorded.

I have heard learned counsel for the parties and deem it appropriate to allow regular bail to the petitioner considering the fact that statement of prosecutrix has been recorded before the trial Court and the trial is likely to take some time to conclude, as only two witness have been examined so far, out of 25 cited witnesses of the prosecution.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of personal/surety bonds 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.

March 31, 2022
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No