

221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6686-2022 (O&M)
Date of Decision: 05.08.2022

MUSTAK ... PETITIONER
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Afzal Hussain, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

CRM-14949-2022

This is an application for placing on record copies of the statements of the victim and her mother as Annexures P-3 and P-4.

For the reasons stated in the application, the same is allowed. Copies of the statements of the victim and her mother are taken on record as Annexures P-3 and P-4, subject to all just exceptions.

Registry is directed to annex the same at appropriate place.

Application is disposed of.

CRM-M-6686-2022

The petitioner is seeking regular bail in case bearing FIR No.373 dated 05.09.2021 under Sections 323/354-B IPC and Section 10 of POCSO Act registered at Police Station Sadar Nuh.

Briefly, the allegations against the petitioner are to the effect that he had committed sexual assault upon the victim, who is stated to be his daughter.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that the victim and her mother have not supported the prosecution version. It has been specifically and categorically stated by the victim that the petitioner neither made any attempt to commit rape nor gave beatings to her at any point of time. To the same effect is the deposition of the mother of the victim.

The custody certificate indicates that the petitioner is in custody for a period of 10 months and 28 days and not involved in any other case.

Learned State counsel opposes the bail application on the ground of seriousness of offence.

Keeping in view the period of incarceration undergone by the petitioner and others circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

05.08.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No