

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM-M-7528-2022
Date of decision: 25.02.2022**

Amit Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ravinder Phagat, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.288 dated 24.10.2021 lodged under Sections 363 and 366-A IPC (Sections 120-B, 376(2)n IPC and Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 added lateron) registered at Police Station Khol, Rewari District Rewari.

Learned counsel for the petitioner while inviting the attention of this Court to the FIR which was got registered at the instance of step-father of the victim, aged 16 years, submits that the petitioner was neither named nor attributed any role in the FIR which was registered against unknown persons. Learned counsel submits that the petitioner has been implicated in the case in hand only because he happens to be the brother in law of the co-accused Deepak, who in turn

had sheltered main accused Vikas and victim, after the victim went missing from her house. Learned counsel while inviting the attention of this Court to the statement of the prosecutrix recorded under Section 164 Cr.P.C. submits that it clearly reveals that neither was he named by the prosecutrix nor attributed any role in the crime in question. It has been submitted that investigation is complete, challan stands presented and the charges have also been framed hence in the circumstances further incarceration of the petitioner who has been in custody since 08.11.2021 would not serve any useful purpose.

Per contra, learned State counsel while opposing the prayer made by counsel opposite has not been able to dispute the factual aspects of the submissions made by counsel opposite. Learned State counsel submits that no doubt the petitioner has not been attributed any wrong doing but he was present in the house of along with co-accused Deepak when main accused Vikas along with the victim came there.

On a pointed query put to the learned State counsel, he, on instructions from ASI Amlesh, concedes that the petitioner is not involved in any other criminal case much less of similar nature. He has also submitted that prosecution has cited as many as 31 witnesses and the prosecution evidence is likely to commence on 15.03.2022.

I have heard learned counsel for the parties and perused the relevant material placed on record.

In view of the role attributed to the petitioner, showing only his presence with co-accused Deepak who allegedly sheltered the main accused Vikas, coupled with the fact that the trial is unlikely to conclude in the near future as prosecution evidence has not yet

commenced, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

25.02.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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