

**225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-12138-2022
Date of Decision: 28.03.2022**

NAVEEN SINGH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Verma, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

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VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case bearing FIR No. 70 dated 08.06.2021, under Sections 323, 342, 354B, 363, 366A, 376, 506, 511 IPC and Sections 8, 10 and 18 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Women, District Jind.

Briefly, the FIR has been registered on the basis of the statement of the victim, who is aged about 14 years alleging that Ashwani, co-accused along with the petitioner and Gaurav, co-accused kidnapped her and rape was committed.

Learned counsel for the petitioner has contended that during the course of investigation, the petitioner and Gaurav, co-accused were found to be innocent. During the course of trial, the petitioner and Gaurav, co-accused have been summoned under Section 319 Cr.P.C. Similarly placed co-accused Gaurav has been granted interim bail by this Court in terms of the order dated 21.02.2022 in CRM-M-3945-2022. The petitioner had

surrendered in the trial Court on 03.01.2022 and is not involved in any other case.

Learned State counsel, on instructions of ASI Geeta, has not assailed the aforesaid factual aspect of the case but has argued that the victim has not only named the petitioner during the course of trial but even in her statement under Section 164 Cr.P.C.

Be that as it may, it is significant to note that the petitioner was found innocent during the course of investigation, he has been summoned under Section 319 Cr.P.C., similarly placed co-accused Gaurav has been granted interim bail, the petitioner had surrendered of his own in the trial Court on 03.01.2022, he is in custody for a period of more than 2½ months and is not involved in any other case.

Keeping in view the aforesaid, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

28.03.2022

Janki

(VIVEK PURI)
JUDGE

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