

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

**CRM-M-12856-2022
Date of Decision: 09.09.2022**

AMIT KUMAR ALIAS KALLU ... PETITIONER

VS.

STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Deepak K. Bartia, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in case bearing FIR No.202 dated 02.09.2021 under Section 323 IPC and Sections 10 and 17 of Protection of Children From Sexual Offences Act (for short 'POCSO Act') (Sections 4/18 of the POCSO Act has been added later on) registered at Women Police Station, NIT, Faridabad.

Custody certificate has been placed on record.

Briefly, the allegations against the petitioner are to the effect that the victim is aged about 15 years. On 01.09.2021, she was studying alone in the room and the petitioner, who is her cousin, entered the room, caught hold her hand and committed sexual assault. Petitioner was having illicit relations with the mother of the victim and he also tried to commit wrong act with her.

Learned counsel for the petitioner contends that the victim and her uncle have been examined during the course of trial but they have not supported the prosecution version. The petitioner is in custody for a period of 01 year and 06 days and not involved in any other case.

The aforesaid factual assertions have not been disputed by the learned State counsel. He further submits that out of 12, only 02 witnesses have been examined so far.

Keeping in view the fact that the petitioner is in custody for a period of 01 year and 06 days, he is not involved in any other case, the prosecutrix and her uncle have not supported the prosecution version, only 02, out of 12 witnesses have been examined so far and conclusion of trial is likely to take some more time, sufficient mitigating circumstances 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/Duty Magistrate.

09.09.2022
smriti

(VIVEK PURI)
JUDGE

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