

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

CRM-M-13882-2022

Date of Decision: 07.04.2022

ANIL KUMAR

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Akshay Kumar Dahiya, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.0402 dated 07.07.2021 under Section 365 IPC, later on Section 354 IPC and Section 6 of POCSO Act were added, registered at Police Station Rai, Sonipat.

The case has been registered on the basis of statement of mother of the victim alleging that on 06.07.2021 at about 8:30 P.M., the victim, who is aged about 14 years, went missing from the house.

Learned counsel for the petitioner contends that in the statement under Section 164 Cr.P.C. as well as during the course of trial, the victim has not imputed any allegation with regard to penetrative sexual assault upon her. The statement of the victim as well as her mother has been recorded. He further states that the petitioner is in custody for a period of 08 months and 28 days and is not involved in any other case.

Custody certificate has been placed on record.

Learned State counsel, on instructions from ASI Sanjay Kumar, has pointed out that in fact, the charge has been framed under Sections 365 and 354 IPC and Section 8 of the POCSO Act on 03.09.2021.

The statements of the victim and her mother have been recorded. The victim has not attributed any allegation of penetrative sexual assault upon the petitioner in her statement under Section 164 Cr.P.C or during the course of trial. The allegation only pertains to commission of sexual assault, the petitioner is in custody for a period of 08 months and 28 days and is not involved in any other case. The completion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner behind the bars.

In these set of circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation 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/Illaqa Magistrate/Duty Magistrate.

07.04.2022
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(VIVEK PURI)
JUDGE

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