

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

Sr. No.219

CRM-M-13982-2022

Date of decision: 18.07.2022

Aakil

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0134 dated 23.07.2021 registered under Section 6 of the Protection of Children from Sexual Offence Act, 2012 and Sections 323, 328, 34, 363, 366, 376 and 506 IPC at Police Station Sanoli, District Panipat.

The petitioner is being prosecuted for having kidnapped and raped a minor girl.

Learned counsel for the petitioner submits that the petitioner, who is a 20 year old boy, has been falsely implicated in this case; the petitioner has no other criminal case pending against him; the petitioner is in custody since 26.07.2021; the alleged victim while appearing before the Trial Court as witness No.1 has exonerated the petitioner of all the charges he is accused of; even the alleged victim's father and mother, while appearing before the Trial Court have deposed with regard to the petitioner's innocence; all material witnesses including the complainant and the alleged victim have already stand examined in the petitioner's trial and therefore,

he is not in a position to influence the same and that since in the petitioner's trial 14 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has kidnapped and raped a minor girl.

The alleged victim as also her father and mother, while appearing before the Trial Court, have stated that the petitioner has not committed the crime that he is accused of; the petitioner is in custody since 26.07.2021; all material witnesses have been examined before the Trial Court and that since in the petitioner's trial 14 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

After considering the afore submissions made on behalf of the petitioner, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Panipat, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

July 18, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

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