

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

CRM-M-20700-2021
Date of decision: 20.05.2022

Suresh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aman Pal, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.1010 dated 06.12.2019, registered at Police Station Model Town, District Panipat, under Section 377 IPC and Sections 6 and 14 (added later on) of the POCSO Act.

Learned counsel for the petitioner contends that the complainant is the wife of the petitioner; that it is the second marriage of the complainant with the petitioner; that there are three children born out of the wedlock of the complainant and her first husband; that there is one son, namely, Anmol, born out of the wedlock of the complainant and the petitioner; that the alleged occurrence took place on 01.12.2019 and 03.12.2019, whereas the above-noted FIR was registered on 06.12.2019; that the petitioner has been in custody since 06.12.2019; that no video recording of the alleged occurrence has been attached with the challan,

and that prior to the alleged occurrence, the complainant also filed a complaint against the petitioner.

Learned counsel further contends that now, complainant while stepping into the witness-box as PW 2, has specifically stated in cross-examination that she asked the accused to get the land transferred in favour of Anmol, born out of their wedlock, in order to secure his future, but later on, she came to know that he had already been disowned by his family. Learned counsel further contends that Dr. Sanjeev Gupta, while stepping into the witness-box as PW 4, stated that he could not comment whether the sodomy had been committed with the victim boy or not for the reason that he had examined the victim after 26 days of the incident. On this premise, the learned counsel prays that the petitioner be released on bail.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that there are specific allegations against the petitioner that he had committed unnatural sex with the victim, born out of the wedlock of the complainant and her first husband. Out of 16 prosecution witnesses, 07 witnesses have already been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 06.12.2019. The material witnesses have already been examined. The trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition

is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

20.05.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No