

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

CRM-M-27039-2021(O&M)

Date of decision : 12.01.2022

Jasbir @ Jassa

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.166 dated 08.11.2019 under Sections 323, 354, 354-A, 506 of the Indian Penal Code, 1860 and Section 10 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Sector 29 Panipat, District Panipat. Earlier petitions of the petitioner being CRM-M-37572-2020 and CRM-M-24182-2021 were dismissed as withdrawn on 18.11.2020 and 05.07.2021, respectively.

Learned counsel for the petitioner would contend that the petitioner has been in custody since 16.12.2019 and the maximum sentence prescribed under the law for the Sections attracted in the present case is

seven years. Learned counsel for the petitioner would further contend that in the present FIR the allegation was that on 30.08.2019 the petitioner had tried to molest the daughter of the complainant, however, the Prosecutrix refused to get her medical examination conducted on the ground that no bad act had been committed with her and that she did not want to get her medical examination done. However, she has stated that I have been molested. It is further the contention that the petitioner, who is the second husband of the complainant, has been falsely implicated in the case due to certain matrimonial differences between the petitioner and the complainant.

Learned counsel for the petitioner would further contend that now the Prosecutrix and the complainant both stand examined. However, the trial is likely to take some time to conclude especially in view of the current situation created by the Covid-19 pandemic.

Learned counsel for the State, on instructions, contends that both the Prosecutrix and the complainant have supported the case of the prosecution and hence it is not a fit case for grant of regular bail.

Heard.

In the present case, the petitioner has been in custody for a period of two years and one month and the Prosecutrix and the complainant already stand examined. Further, admittedly, there is no medical examination which has come on the record inasmuch as the Prosecutrix had refused to get her medical examination conducted. The petitioner is stated to

be the second husband of the complainant and due to certain matrimonial differences has falsely been implicated in the case.

In view of the above and considering the fact that the petitioner has been in custody since 16.12.2019 and the conclusion of the trial is likely to take some time especially in view of the current situation created by the third wave of COVID-19 Pandemic, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting upon the merits of the case, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

It is further directed that the petitioner shall not go anywhere near the colony where the Prosecutrix and the complainant are residing.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

12.01.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO