

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

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CRM-M-25844-2022 (O&M)

Date of decision: 05.07.2022

VINOD

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Ms. Anu Garg, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional AG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.0052 dated 28.02.2022 under Sections 342, 377, 506 and 511 of the Indian Penal Code, 1860 and Section 8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Dadri Sadar District Charkhi Dadri.

Learned counsel for the petitioner *inter alia* contends that the FIR in question has been registered on the statement of one Jitender @ Mota alleging that his son aged 15 years, who was a student in a Government School Mankawas in Class IX was called by the petitioner and he tried to commit unnatural act with a wrong intention. Upon such attempt being made, the victim raised cry and made good his escape.

Learned counsel for the petitioner contends that the petitioner was taken in custody on 05.03.2022 and that after the conclusion of investigation, the final report had already been filed. She further submits that the victim as well as author of the FIR *viz.*, parents of the victim have not supported the case of the

prosecution and the said prosecution witnesses were declared hostile and as such there is no basis for continued custodial detention of the petitioner.

Learned State counsel could not dispute the fact that the prosecution witnesses including the victim and his parents have not supported the case of prosecution and having been declared hostile.

I have heard learned counsel for the parties and have perused the material on record.

Taking into consideration the period of custody, stage of trial and the prosecution witnesses having turned hostile, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

July 05, 2022

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>