

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

CRM-M-36514-2021 (O&M)

Date of decision: 11.03.2022

Pankaj Mehta

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sushil Jain, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

CRM-3828-2022

Application is allowed as prayed for. Annexure P-10 is taken on record.

Main case:

The petitioner has filed this third petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 348 dated 15.09.2020 registered under Sections 354, 506, 509, 511 IPC and Sections 12 and 18 (Section 10 added subsequently) of the POCSO, at Police Station Civil Lines Sonipat, District Sonipat.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case as the petitioner has not committed any such alleged offence; that the alleged occurrence took place in the month

of January-2017, but the FIR was registered on 15.09.2020 i.e. after a gap of 3 years and 9 months; that the charges have been framed; that the prosecutrix has been examined; and that the petitioner has been in custody since 16.09.2020.

Learned State counsel, while vehemently opposing the prayer for bail submits that the prosecutrix has been examined and has fully supported the prosecution version. However, he does not dispute the custody period of the petitioner. He submits that out of 14 prosecution witnesses, 11 witnesses have been examined and the next date before the trial Court is 17.03.2022.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 16.09.2020. The FIR was registered after a gap of more than 3 ½ years. Some of the prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

11.03.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No