

CRM-M-37599-2021

Date of decision: 24.01.2022

RAJPAL @ CHHOTU

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohan Singh Chauhan, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Rajpal @ Chhotu-petitioner is seeking regular bail in the case bearing FIR No. 134 dated 15.03.2021, under Sections 323/354/452/506 IPC and Section 8 of POCSO Act, 2012, registered at Police Station Gharaunda, District Karnal.

Briefly, the FIR has been registered on the allegations that on 15.03.2021, the victim was washing utensils in her house and was alone. Meanwhile, the petitioner gained entry and outraged the modesty of the victim.

Learned counsel for the petitioner contends that statement of the victim has been recorded during the course of trial and the petitioner is in custody for the last 8 months and 16 days. Furthermore, he is not involved in any other case.

On the instructions of ASI Raj Kumar has not assailed the factual aspects.

It may be mentioned here that the petitioner has undergone

incarceration for a period of eight and half months. The statement of the victim has already been recorded. The year of the birth of the victim as mentioned in the FIR is 2003 whereas in her statement under Section 164 Cr.P.C she has specified her age to be 15 years. The conclusion of trial is likely to take some time, no fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

24.01.2022
renu

(VIVEK PURI)
JUDGE

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