

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

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**CRM-M-52230-2022
Date of decision : 23.11.2022**

Vikas Petitioner

V/S

State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

Ms. Ambika Sood, Additional A.G, Haryana.

AMARJOT BHATTI J. (ORAL)

The petitioner-Vikas has filed the instant petition under Section 439 of the Code of Criminal Procedure for grant of interim bail to the petitioner for 15 days (2 weeks) in case arising out of FIR No.435, dated 05.08.2022, under Sections 4 of POCSO Act, 2012, Section 84 of JJ Act, 2015 and Section 363, 365,366,376, of IPC, registered at Police Station Sadar Gohana, District Sonipat, on account of delivery of his wife namely Pooja.

Learned counsel for the petitioner submits that the petitioner is sole bread earner in the family, he is having a wife and a six year old child and there is no body to look after them. His family is expecting a baby and there is no body to take care of her during those days. It is prayed that he may be granted interim bail for two weeks. He

is not having a criminal history, he is falsely implicated in this case, he will abide by the terms of bail order.

The Similar application was filed before Additional Sessions Judge, Sonapat and the same was declined vide order dated 02.11.2022. It is prayed that in the interest of justice, interim bail may be granted for 15 days.

Notice of the application was given to the respondent. The status report is filed by the counsel representing the State, where it is mentioned that wife of the accused is having elder son nine years old and she was pregnant, she gave birth to a son in Nandal Hospital, Rohtak on 12.11.2022, however, the child expired on 13.11.2022 after one day. During this period, she was looked after by her brother-Ashish and sister-Jyoti. The father of the petitioner disclosed that earlier Pooja was residing in a rental accommodation in village Kanheli District Rohtak and thereafter she had started residing in another rental house in Preet Vihar, Rohtak. The death report of the child is also placed on record. Along with the status report, the statement of Pooja is also produced. It is prayed that the prayer for interim bail on the birth of the child has become infructuous.

I have considered the arguments and have gone through the record carefully. The petitioner sought interim bail for two weeks who is facing trial in FIR No.435 dated 05.08.2022, under Sections 4 of POCSO Act, 2012, Section 84 of JJ Act, 2015 and Section 363, 365,366,376, of IPC, registered at Police Station Sadar Gohana, District Sonipat. The purpose for which the petitioner was seeking interim bail has already become infructuous, as unfortunately Pooja gave birth to a

child 12.11.2022, who expired on 13.11.2022 after one day. She was looked after by her sister and at present, she is residing in a rental accommodation at Rohtak. Therefore, the purpose for which the interim bail was sought has been defeated. Therefore, the petition is accordingly declined.

(AMARJOT BHATTI)
JUDGE

23.11.2022
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No