

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

219

CRM-M-3588-2023(O & M)

Date of Decision:-11.04.2023

DEEPAK

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.Yogesh Goel, Advocate
Mr.Lakshay Goel, Advocate and
Ms.Krishma Kapoor, Advocate
for the petitioner

Mr.Brijesh Sharma, AAG Haryana

ALOK JAIN, J. (Oral)

CRM-5982-2023

Prayer in the application is for placing on record the copy of statements of the prosecutrix and her mother as Annexures P-2 to P-4.

Application is allowed as prayed for, subject to all just exceptions. Annexures P-2 to P-4 are taken on record,

CRM-M-3588-2023

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.420 dated 14.11.2021, under Sections 4/6 of the POCSO Act, 2012, Sections 363/366-A/506/376(3) and 376-D of the IPC and Section 67-B of the I.T.Act, registered at Police Station Baruda, District Sonapat.

Learned counsel for the petitioner has submitted that the petitioner was not named in the FIR and he was named by the main accused in his disclosure statement. He further submitted that even as per the testimony of the victim/prosecutrix, the petitioner has not committed anything wrong with her and the only allegation levelled is that the petitioner was standing outside the house/place where the alleged incident took place.

Learned State counsel has fairly submitted that the testimony of the parents of the prosecutrix as well as the prosecutrix has been recorded.

After hearing learned counsel for the parties and the fact that the petitioner is a young boy of 23 years of age and he is in custody since 18.11.2021 and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and two surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa

Magistrate, concerned.

4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

However, nothing, stated above, shall be construed as a final expression of opinion on the merits of the case.

The pending misc.application(s), if any, shall also be disposed of, with the disposal of the main petition.

(ALOK JAIN)
JUDGE

11.04.2023

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No