

CRM-M-7255-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7255-2022

Date of decision: 17.01.2023

Sunil

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ajay Ghangas, Advocate,
for the petitioner.

Mr. R.S.Budhwar, Addl. A. G.Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition, the petitioner seeks regular bail in case FIR No.64 dated 05.05.2020, under Sections 376(3), 506 and 34 IPC and Section 4 of POCSO Act, registered at Police Station Dujana, District Jhajjar.

Learned counsel for the petitioner contends that the earlier petitions filed by petitioner, were dismissed as withdrawn on 25.03.2021 and 03.02.2022; that the petitioner has been in custody since 09.05.2020; that Anu, who was found innocent during investigation, has been summoned under Section 319 Cr.P.C. to face the trial as an additional accused, which is tantamount to a *de novo* trial, and that the prosecution witnesses are yet to be examined.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that testimony of complainant,

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mother of the victim, is yet to be recorded, and that in her statement recorded under Section 164 Cr.P.C., the victim had reiterated the version given by the complainant in the complaint.

I have heard the learned counsel for the parties.

As per the prosecution version, the petitioner had committed rape and penetrative sexual assault upon the victim.

In the present case, testimonies of the complainant and other material witnesses are yet to be recorded.

Keeping in view the nature and gravity of the offence, this Court finds that no justifiable ground is made out to extend the concession of regular bail to the petitioner, at this stage.

Consequently, the present petition stands dismissed.

However, the petitioner will be at liberty to file a petition for bail, once the statements of the material witnesses are recorded before the trial Court.

17.01.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No