

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.218

CRM-M-8697-2021
Date of Decision: 24.01.2023

Manjit Nath

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Jitender Singh Dadwal, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

Mr. G.B.S.Gill, Advocate
for the complainant.

TRIBHUVAN DAHIYA, J. (ORAL)

This is a petition under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case FIR No.0415 dated 13.12.2020, registered under Sections 6 and 8 of Protection of Children from Sexual Offence Act, 2012, Sections 302, 34, 376-D and 452 of IPC (Sections 302, 376-D, 34 of IPC and Section 6 of POCSO Act, 2012, have been deleted later on and challan has been presented under Sections 306, 452, 354-A, 120-B of IPC and Section 8 of POCSO Act, 2012) at Police Station Sirsa Sadar, District Sirsa.

Learned counsel for the petitioner contends that challan against the petitioner was presented under Sections 306, 452, 354-A, 120-B of IPC and Section 8 of POCSO Act, 2012. The material witnesses of the prosecution, i.e., the complainant (PW1-Bhagwan Das), the eye witness (PW2-Mukesh) and the associate of the eye witness (PW3-Harshveer) have

been examined. They have not supported the prosecution version and have been declared hostile. He also submits that the DNA report of the petitioner-Manjit Nath has also been received, which is in the negative. The petitioner is in custody since 13.12.2020, and there is no other case pending against him.

Learned State counsel, upon instructions from SI Ram Singh, does not dispute the facts aforestated. She opposes grant of bail by submitting that trial of the case is going on, and eight out of twenty seven witnesses have been examined.

Since the petitioner is in custody for over two years and the material witnesses have already been examined, no purpose would be served by keeping the petitioner in custody during pendency of the trial, which is not likely to conclude in near future. Therefore, this Court deems it appropriate to grant regular bail to the petitioner on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Ordered accordingly.

Petition stands allowed.

(TRIBHUVAN DAHIYA)
JUDGE

24.01.2023
Maninder

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