

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.218-A

CRM-M-26942-2021

Date of Decision: 24.01.2023

Sagar Nath

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rajinder Singh Bhatia, 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 6 and 8 of Protection of Children from Sexual Offence Act, 2012, Sections 302, 34, 376-D and 452 of IPC have been deleted and subsequently, Sections 306 and 354-A of IPC have been added) at Police Station Sirsa Sadar, District Sirsa.

Learned counsel for the petitioner contends that the challan against the petitioner was presented under Sections 306 and 354-A of IPC. 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 already been examined. They have

not supported the prosecution version and have been declared hostile. There is no other case against the petitioner and he is in custody since 07.01.2021.

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