

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31096-2023

Decided on : 03.10.2023

Habi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Rahul Mohan, Sr. DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.137 dated 28.08.2022 under Section 8, 17 of POCSO Act, 2012 and Section 34 IPC (later on above-said sections were deleted and Final Report under Section 173 Cr.PC was presented under Section 10 of POCSO Act) registered at Police Station Sadar District Rewari.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand for having allegedly committed unnatural offence with the victim, aged 12 years. Learned counsel submits that the factum of his false implication is evident from the fact that there was no medico-legal report to substantiate the allegations levelled. It has also been submitted that the petitioner has clean antecedents as he is not involved in any other criminal case much less case of similar nature.

3. Per contra, learned State counsel while opposing the prayer

made by the counsel opposite has invited the attention of this Court to the allegations levelled in the FIR in question. Learned State counsel has submitted that the petitioner had committed unnatural offence on a 12 year old boy. Learned State counsel has further submitted that the victim while stepping into the witness box supported the case of prosecution in its entirety. It has also been submitted that as many as 3 prosecution witnesses out of 16 cited stand examined.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has been in custody since 28.08.2022. The sole material witness in the case in hand i.e. the victim already stands examined. 13 prosecution witnesses still remain to be examined. Hence, there is no likelihood of the trial concluding in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner, who has now been in custody for more than a year. Accordingly, the instant petition is allowed. The petitioner is admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

03.10.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No