

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

CRM-M No.33720 of 2023

Date of Decision : 14.09.2023

Parveen Sharma

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Loeskh Vohra, Advocate for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG Haryana.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.21 dated 08.01.2022 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 323, 342, 363, 366, 376(2)(n) and 120-B of the Indian Penal Code, 1860 registered at Police Station Samalkha, District Panipat.

2. Learned counsel for the petitioner would contend that the prosecutrix in the present case has since been examined and in her statement she has stated that she had cordial relations with the petitioner herein and that the petitioner did not commit any wrong with her, however, the only allegation against the petitioner is that he supported his brother, who is the main accused in the present case. Learned counsel for the petitioner would further contend that the petitioner has already been in custody for a period of 01 year 05 months and 12 days and has absolutely clean antecedents.

3. Learned State counsel has filed the custody certificate of the petitioner as per which he has been in custody for a period of 01 year 05 months and 12 days.

4. I have heard learned counsel for the parties.

5. In the present case the victim has been examined and cross-examined. In her cross-examination, she has specifically stated that the petitioner herein had cordial relations with the victim and that he did not commit any wrong with her. The only allegation against the present petitioner is that he had supported his brother, who is the main accused in the present case. The petitioner has been in custody for a period of 01 year 05 months and 12 days and has also clean antecedents.

6. In view of the above and without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

14.09.2023

jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO