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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40965-2022
Date of decision: 24.05.2023

RESHAM

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

1. This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0055 dated 30.01.2020, under Section 365, 328, 343, 366-A, 370, 370-A, 375, 376, 120-B IPC; Sections 6 and 17 of the POCSO Act, 2012 and Sections 3, 4, 5, 6, 7 of the Immoral Traffic (Prevention) Act, 1959, registered at Police Station Sadar Thanesar, District Kurukshetra, Haryana.

2. Learned counsel for the petitioner would argue false implication and would submit that there is no medical on the record to substantiate the fact that the petitioner was part of the persons, who had misused the minor prosecutrix. It is further stated that the main case is against one Kajal, who used to supply the young girl to various persons. It is further submitted that the

petitioner was not nominated as an accused by the prosecutrix herself but was nominated as one on the basis of contacts found on the phone of said Kajal. Apart from the above, he would argue that he is not in a position to influence the statement of the prosecutrix since she already stands examined. Moreover, as per the statement of the prosecutrix herself, the petitioner was shown to her before the Test Identification Parade and, therefore, it is on this statement alone, he would be entitled to acquittal. He would further contend that similarly situated co-accused namely Surinder Singh and Dinesh Kumar have already been released on bail.

3. Per contra, learned State counsel would oppose grant of bail to the petitioner by contending that the petitioner along with the others misused the minor girl for their own satisfaction and would not be entitled to bail.

4. I have heard learned counsel for the parties and have also perused case file as well as the cross-examination of the prosecutrix, who admitted to the fact that the petitioner herein had been shown to her before the Test Identification Parade. In all, 46 prosecution witnesses have been cited and only 18 prosecution witnesses stand examined along with the prosecutrix and in the opinion of the Court, the trial will take time to conclude.

5. Accordingly, without commenting on the merits of the case and keeping in view of the fact that the petitioner is in custody since 20.08.2020; the prosecutrix stands examined, who has stated that petitioner had been shown to her prior to his Test Identification Parade and the trial is likely to take time to conclude, no useful purpose would be served in keeping the petitioner behind bars any longer. The instant petition is allowed and the petitioner is directed to

be released on regular bail subject to his furnishing the personal as well as surety bonds in the sum of Rs.1,00,000/- each to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this Court is only for the purpose of deciding the instant petition and the same shall have no effect on the merits of the case.

24.05.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

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