

2023:PHHC:085782

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.203

CRM-M-47544-2022

Date of Decision: July 07, 2023

VIKAS

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Ashish Kumar, Advocate, for the petitioner.

Mr. Krishan K.Chahal, Addl. Advocate General, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.159 dated 18.04.2021 registered under Sections 323, 363, 377, 506 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Kalanaur, District Rohtak.

2. Reply by way of an affidavit of Sh. Sandeep Kumar, HPS, DSP, Meham and custody certificate of the petitioner have been filed in Court. The same are taken on record.

3. It is submitted by the counsel for the petitioner that the case against the petitioner is totally false, frivolous and concocted. This fact is not disputed even by the testimony of the prosecution witnesses. The complainant, i.e. mother as well as the father of the alleged victim both have not supported the case of the prosecution. Rather, they have denied the story created by the police. In any case, the petitioner is in custody for the past about more than two years and two months. There is no other case

registered against the petitioner. Hence, the petitioner deserves to be released on bail pending trial.

4. On the other hand, learned State Counsel, referring to the status report has submitted that the offence committed by the petitioner is quite heinous. Not only that even the FSL report has shown the offence having been committed by the petitioner. However, it is not disputed that the complainant and the father of the victim have not supported the case of the prosecution and that the petitioner is in custody for the past about more than two years and two months. It is also not disputed that there is no other case against the petitioner.

5. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

July 07, 2023

Ankur

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No