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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.45382 of 2023(O&M)

Date of Decision: 07.11.2023

Sagar

..... Petitioner

V/s.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vasu Ranjan Shandilya, Advocate for
Mr. Sagar Sharma, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Vivek Puri, J. (Oral)

1. The petitioner is seeking regular bail in case bearing FIR No.49 dated 24.01.2022 under Sections 4 and 18 of POCSO Act and Section 354-B, 376, 452, 506 and 511, IPC, 1860 (Section 354D, IPC was added later on) registered at Police Station Quilla Panipat, District Panipat.
2. Custody certificate filed in Court today, is taken on record.
3. Learned counsel for the petitioner contends that the allegations against the petitioner are with regard to attempt to commit penetrative sexual assault upon the victim who is stated to be aged about 17 years. The petitioner is in custody for a period of 01 year 09 months and 12 days and is not involved in any other case. The statements of the victim and her brother who is the complainant in the instant case, have been recorded during the course of trial. Furthermore, the victim has refused to get her medico-legal examination during the course of trial. The victim has specifically stated that she was taken to the hospital for medical examination but refused for the same as no penetrative sexual assault was committed upon her.

4. Learned State counsel has opposed the bail application on the score that the victim as well as her brother have supported the prosecution version and out of 14 prosecution witnesses, 05 prosecution witnesses have been examined so far.

5. It is significant to note that as per the allegations, the petitioner has made an attempt for penetrative sexual assault upon the victim. The victim has refused for medico-legal examination. The statements of the victim and her brother have been recorded. As such, it cannot be said that the petitioner can in any manner win over and influence the prosecutrix and her brother. The petitioner is in custody for a period of 01 year, 09 months and 12 days and is not involved in any other case. Still, 09 witnesses remain to be examined. The conclusion of the trial is likely to take sometime and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observations on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/ Chief Judicial Magistrate/ Duty Magistrate.

07th November, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

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