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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50641-2022 (O&M)

Date of decision: 25.05.2023

SANDEEP KUMAR

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S. S. Momi, Advocate
for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

1. This is the second petition filed by petitioner Sandeep Kumar 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; Section 6 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 the petitioner has been nominated as an accused on the basis of disclosure statement given by one Kajal, who is the main accused in the said FIR. He would submit that said Kajal is still in custody. The allegation against the petitioner, on the basis of which he was arrested, was that he was

instrumental in arranging the rooms, where Kajal would take the young prosecutrix and customers were called. He would submit that the hotel owner namely Dimple as well as one Ravi have been released on bail, who were helping Kajal right through and were nominated as accused by the prosecutrix herself. Apart from the petitioner having been nominated as an accused only on the basis of disclosure statement, learned counsel for the petitioner would argue that the petitioner is in custody since 28.05.2020 and that the statement of the prosecutrix has since been recorded, whereas the trial is likely to take long time to conclude as out of 56 prosecution witnesses cited, only 18 have been examined and the trial would not conclude in near future.

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

4. I have heard learned counsel for the parties and have also perused case file.

5. Keeping in view the facts that the petitioner is in custody since 28.05.2020; similarly placed co-accused have already been granted bail; the trial is likely to take time to conclude as only 18 witnesses out of 56 have so far been examined by the prosecution and that the prosecutrix has already been examined, no useful purpose would be served in keeping the petitioner behind bars any longer. The instant petition is accordingly allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

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.

25.05.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

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