

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

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CRM-M-51625-2022

Date of Decision:- 19.05.2023

Subhash

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Subhash has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 213 dated 03.06.2022, under Sections 452, 354 of IPC and Section 10 of POCSO, Act, registered at Police Station Ram Nagar, District Karnal.

The facts of the case are that the prosecutrix gave her statement that her daughter i.e. the victim aged about 12 years told her that when she was alone in the house, one person namely Subhash entered the house who winked at her and started saying her to come along with him in the dark. He caught hold of her hand and started dragging her towards him. On the alarm raised by her, he ran away. With these allegations, the present FIR has been registered.

Learned counsel for the petitioner argued that he is falsely implicated in this case. The statement of the victim is already recorded. He is behind the bars since long and trial of this case may take some time.

Therefore, his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State. It is pointed out that the victim was a minor girl. The present petitioner is specifically named and specific role is attributed to him. The evidence of the prosecution is going on. Considering the specific allegations and the gravity of offence, the present petitioner is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. As per the status report, the petitioner was arrested on 05.06.2022, since then he is behind the bars. The investigation was completed, the challan was presented on 30.07.2022 and the chargesheet was yet to be framed. However at present the statement of the victim is already recorded, which is dated 03.05.2023. Therefore, after the framing of chargesheet, the prosecution evidence is being recorded. The other prosecution witnesses are yet to be examined. Trial of this case may take long time. Now the petitioner cannot influence the material witness as her statement is already recorded. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the petitioner is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is, accordingly, accepted.

19.05.2023

Sunil Devi

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

(AMARJOT BHATTI)
JUDGE