

2023:PHHC:092507

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

CRM-M-56361-2022

Date of Decision: 21.07.2023

KARAMBIR

... PETITIONER

VS.

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Dr. Vikas Rohal, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 362 dated 16.09.2022 under Sections 10 and 8 of the POCSO Act and Section 365 IPC registered at Police Station Sector 13-17, Panipat.
2. Custody certificate has been placed on record.
3. The FIR has been registered at the instance of mother of the victim, who is stated to be aged about 05 years at the time of occurrence. It has been alleged that the petitioner had forcibly taken the victim in the temple and committed sexual assault.
4. Learned counsel for the petitioner contends that the statement of the victim and the complainant has been recorded. The victim has not supported the prosecution version and has specifically stated that the petitioner had not done anything wrong with her. The mother of the victim though has testified with regard to the allegations against the petitioner, but in-fact, she was not present at the time of occurrence. The petitioner is aged about 60 years. He is in custody for a period of 10 months and 04 days and not involved in any other case.

5. Learned State counsel has opposed the bail application on the score that the victim was aged about 05 years at the time of occurrence but it has not been disputed that during the course of trial she has not supported the prosecution version. Furthermore, out of 19, 02 witnesses have been examined.

6. It is significant to note that the complainant and the victim have been examined. The victim has not supported the prosecution version. The evidentiary value of the statement of the complainant is to be adjudicated by the learned trial Court at the appropriate stage as it has been sought to be put forth by the petitioner that she is not an eye witness to the occurrence. The petitioner is in custody for a period of 10 months and 04 days and not involved in any other case. Still 17 more witnesses remain to be examined. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

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

21.07.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No