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

**CRM-M-6213-2024
Date of Decision: 15.04.2024**

Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Balwinder Sangwal, Advocate for the petitioner.
Mr. Samarth Sagar, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a third petition filed under Section 439 read with Section 482 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.416, dated 05.10.2020, under Sections 323, 506 & 34 IPC and Section 10 of the POCSO Act and Section 75 of the Juvenile Justice Act (Section 326 IPC added later on) registered at Police Station Adarsh Nagar, Ballabgarh, District Faridabad.

2. It is submitted by the learned counsel for the petitioner that the petitioner is in custody for more than 3 years and 6 months and only 10 out of 18 witnesses have been examined till date. He further submitted that this is the third bail petition filed by the petitioner and the earlier two petitions were dismissed as withdrawn on 17.02.2023 and on 31.08.2023, respectively and submitted that thereafter the trial has not progressed at all. He submitted that considering the custody of the petitioner and the stage of the trial, he may be considered for grant of regular bail.

3. On the other hand, Mr. Samarth Sagar, Addl. AG, Haryana has

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opposed the grant of regular bail to the petitioner on the ground that the allegations against the petitioner are extremely serious in nature whereby the petitioner being step father had beaten up his five years old boy and caused multiple injuries and burn injuries. Apart from the above, there are also allegations of sexual harassment. He further submitted that considering the gravity of the offence the petitioner does not deserve the concession of regular bail and there is also likelihood that in case the petitioner is released on regular bail, then he may abscond or flee from justice.

4. I have heard the learned counsels for the parties.
5. The total custody of the petitioner is stated to be 3 years and 6 months and 10 prosecution witnesses have already been examined. As per the allegations, the petitioner being a step father had beaten up his five years old boy. A perusal of the MLR, which has been attached with the present petition, FIR and the submissions made by learned State counsel would show that indeed the matter is not only serious in nature but also the gravity of the offences involved, is such that it disentitles the petitioner for grant of regular bail. The apprehension expressed by the learned State counsel that in case the petitioner is released on regular bail, then he may abscond or flee from justice, cannot be ignored.
6. In view of the aforesaid facts and circumstances, the present petition is hereby dismissed.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

15.04.2024
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|------------------------------|--------|
| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |