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

CRM-M-18278-2024 (O&M)

Date of Decision : 03.07.2024

Pritam

.....Petitioner(s)

VERSUS

State of Haryana

.....Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jai Bhagwan Sharma, Advocate for the petitioner.

Mr. Jagdish Manchanda, Addl. AG Haryana.

ALKA SARIN, J. (Oral)

1. This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.142 dated 05.04.2022 under Section 306 of the Indian Penal Code, 1860 (Section 8 of the Protection of Children from Sexual Offences Act, 2012 was added later on) registered at Police Station SGM Nagar, Faridabad, District Faridabad (Haryana). The first petition being CRM-M-46235-2022 filed by the petitioner for grant of regular bail was dismissed as withdrawn vide order dated 13.12.2023.

2. Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the case and that the deceased was in a live-in-relationship with the present petitioner. The learned counsel

would further contend that the charges under Section 8 of the POCSO Act were added on the statement of the minor child who stated that she had been inappropriately touched by the petitioner. It is further the contention of the learned counsel that the petitioner has been in custody for a period of 02 years 02 months and 27 days and that he has clean antecedents. The learned counsel would further contend that out of 17 witnesses only 04 have been examined till date.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 02 years 02 months and 27 days and that there is no other case pending against him. The learned State counsel is not in a position to deny the fact that out of 17 witnesses only 04 have been examined. However he states that the complainant and the minor child, both of whom have been examined, have supported the case of the prosecution.

4. Heard.

5. In the present case the petitioner was in a live-in-relationship with the deceased. As per the custody certificate, the petitioner has already been in custody for a period of 02 years 02 months and 27 days and that there is no other case pending against him. Out of 17 witnesses, only 04 have been examined. The complainant and the minor child have already been examined. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail

subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

9. Disposed off. Pending applications, if any, also stand disposed off.

03.07.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO