



CRM-M-45378-2024

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

201

CRM-M-45378-2024

Date of Decision: 03.10.2024

Mohd. Irfan

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Randhir Singh Hooda, Advocate for the petitioner

Mr. Harish Rathee, Sr. DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

This is second petition for grant of regular bail in case FIR No.28 dated 22.02.2021, registered under Section 365 IPC & Section 4 of POCSO Act, 2012, at Police Station Rojka Meo, District Nuh.

2. As per allegations, the complainant's sister had allegedly been sexually assaulted by the petitioner, who is a distant relative of the complainant, and used to visit the latter's house.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the matter. Both, the petitioner and the victim, were known to each other. She was about seventeen and a half years at the time of commission of the alleged offences. Besides, the petitioner is in custody for more than five months, and material prosecution witnesses, complainant as well as the victim, have already been examined; none of them has supported the prosecution version and have specifically testified that the petitioner did not commit any wrong act with the victim.



4. Learned State counsel, on the contrary, contends that the allegations against the petitioner are serious and trial is going on. He, however, does not dispute that neither the complainant nor the victim has supported the prosecution version, and as of now twenty-two more witnesses are to be examined. The petitioner is in custody from 14.04.2024.
5. The arguments advanced by learned counsel for the parties have been considered.
6. Trial of the case will take some time to conclude as twenty-two witnesses are yet to be examined. Besides, the material witnesses have already been examined, and there is no apprehension of the petitioner influencing the trial or the remaining witnesses. No useful purpose will be served by confining him to custody any longer.
7. Accordingly, petition is allowed and the petitioner is directed to be released on regular bail subject to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

03.10.2024
Payal

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