

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

**CRM-M-13839 of 2015 (O&M)
Date of Decision: 26.05.2015**

Vijay Kumar @ Vijay

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seek regular bail in FIR No.85 dated 17.02.2015 for an offence under Section 354-A, 376 read with Section 511 IPC and under Section 8 of POCSO Act, Police Station Kharkhoda, Distt. Sonapat.

Petitioner went to house of complainant as usual for fetching milk as he was a milk vendor. On fateful day, prosecutrix was alone at home and she gave milk to the petitioner. On his asking she went inside in order to bring copy wherein record regarding milk was maintained. Accused followed her and started molesting her by catching hold. On raising alarm, her parents attracted to the spot and accused fled away from there. The prosecutrix was stated to be 15 years of

age on the date of occurrence.

This Court vide order dated 05.05.2015 passed the following order:-

“Learned State counsel submits that the prosecutrix has still not been examined and the case is fixed for 19.5.2015.

The prosecution through State counsel is directed to produce the prosecutrix for examination before trial Court on 19.5.2015 and the trial Court will complete her examination on day to day basis and send its report before the next date.

List on 26.05.2015.

Superintendent of Police, Sonipat is directed to ensure the compliance of the above order.

Let copy of this order be given to learned State counsel under signatures of Court Secretary for compliance.”

Today, learned State counsel has produced the certified copies of statements of prosecutrix recorded as PW-3, Manju mother of prosecutrix as PW-4 and Ved Parkash father of prosecutrix as PW-5.

Perusal of aforesaid statements shows that all the witnesses have resiled from earlier version and were accordingly declared hostile. Petitioner is in custody since 17.02.2015.

At this stage, without adverting to the veracity of depositions made before trial Court it would be expedient to grant regular bail to the petitioner. Petitioner is ordered to be released on regular bail subject to furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial

Magistrate/Duty Magistrate, Sonapat.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 26, 2015
prince

(RAJ MOHAN SINGH)
JUDGE