

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

CRM-M-18326 of 2015

Date of Decision: 29.06.2015

Satpal Singh

... Petitioner

Versus

State of Haryana

... Respondent

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

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks regular bail in FIR No.85 dated 30.04.2014 under Sections 363/366-A/376/120-B IPC and Sections 11 and 12 of the Protection of Children from Sexual Offences Act 2012, Police Station Mullana, District Ambala.

FIR came to be registered at the instance of Siya Ram-complainant father of the prosecutrix Reena. Allegations are that on 29.04.2014, prosecutrix went to school and thereafter, she did not return. Allegations are to the effect that Mamta and her brother Satpal were instrumental in enticing her away. Prosecutrix was recovered on 07.06.2014. Statement of prosecutrix was recorded under Section 164 Cr.P.C in which she did not raise any

incriminating allegations against the petitioner. It has also been alleged that challan was presented but the name of the prosecutrix was inadvertently not cited as witness therein. However, an application under Section 311 Cr.P.C. was moved which was allowed and thereafter on 12.11.2014, prosecutrix was examined as PW-12 in which she was declared hostile. Prosecutrix did not support the prosecution case.

Learned counsel also submitted that on 21.11.2014, statement of prosecutrix was recorded in which she was not ready to accompany her parents. However on 18.12.2014, when the case was fixed for arguments, prosecutrix was also called from mercy home and at that time she showed her willingness to accompany her parents. On that very day, application under Section 311 Cr.P.C was moved for re-examination of prosecutrix and said application was allowed by trial Court. Learned counsel for the petitioner states that against the order passed under Section 311 Cr.P.C by trial court, CRR No.192 of 2015 was filed in which interim order has been passed.

At this stage, without adverting to the merits of the case, regular bail of petitioner can be considered particularly when he is in custody since 08.06.2014. By interim order passed in CRR No.192 of 2015, trial Court has been directed to adjourn the case beyond the date given by this Court in said criminal revision.

In view of aforesaid, petitioner is directed to be released on bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court.

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

June 29, 2015
prince

(RAJ MOHAN SINGH)
JUDGE