

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

**CRM-M No.31249 of 2015 (O&M)
Date of Decision: 18.09.2015**

Sandeep

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. T.T.P. Singh, Advocate for the petitioner.

Mr. M.S.Sidhu, Additional Advocate General, Haryana
for the respondent along with SI Dharambir.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail in case FIR No.16 dated 23.04.2014, under Sections 376(D) and 452 of the Indian Penal Code (for short 'IPC') and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'), registered with Police Station Women, Sonapat.

As per the allegations levelled by the complainant/victim-Tamanna, who is stated to be around 12 years' old, her neighbours, namely, Amit, Mohit and the present petitioner-Sandeep, came to her house at around 10:15 AM on 23.04.2014. Amit is stated to have gagged her mouth and committed rape, while the co-accused-Mohit and the petitioner-Sandeep are stated to have kept a vigil outside the door.

Learned Counsel for the petitioner submits that the co-accused-Mohit, attributed with similar role, has since been acquitted by the Juvenile Court on 04.09.2015. He further submits that in the statement under Section 164 Cr.P.C., the

victim has merely stated that the petitioner and co-accused-Mohit were standing outside the house, while Amit had committed rape upon her.

The petitioner is stated to be 18/19 years old student and is in custody since 31.3.2015.

Learned State Counsel, on instructions from SI Dharambir, submits that all the material witnesses have since been examined.

Without commenting on the merits of the case, keeping in view the parity of treatment, custody period and the fact that the investigation is over and the trial would take considerable period of time, no purpose would be served to keep the petitioner/accused in custody any longer, the prayer for regular bail is allowed and accordingly, he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Sonapat.

Disposed of.

September 18, 2015

Gagan/d.k.kamra

**(JASWANT SINGH)
JUDGE**