

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr.Misc. M 37922 of 2014
Date of decision:- 20.1.2015

Sonu

Petitioner

vs.

State of Haryana

Respondent

Present: Mr. BS Saroha, Advocate.
Mr. MS Sidhu, Addl.A.G. Hry

M.M.S.BEDI,J.

The petitioner is alleged to have sexually assaulted the prosecutrix, a minor.

Counsel for the petitioner submits that the FIR was registered against six persons. However, in statement u/s 164Cr.P.C., only five were named. While appearing as a witness, the prosecutrix named two, including the petitioner. MLR of the prosecutrix indicates that Hymen is intact as no fresh or old injury mark seen; no bleeding from hymen.

Counsel for the petitioner submits that no rape has been committed and co-accused have been granted the concession of bail.

Learned State counsel, on the instructions of the investigating officer informs that all the prosecution witnesses have been examined and the case is at the stage of recording of defence evidence. An application u/s 311 Cr.P.C. seems to have been filed by the prosecutrix for her re-examination.

Counsel for the petitioner, after raising all the above said arguments, in view of the stage of the trial, seeks permission to withdraw the petition at this stage.

Dismissed as withdrawn with liberty to file fresh in case the trial is not concluded within a period of three months.

January 20 , 2015
TSM

(M.M.S.BEDI)
JUDGE