

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

**CRM-M No. 42205 of 2015 (O&M)
Date of Decision: 17.12.2015**

Pradyuman alias Pinku

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Rajiv Doon, AAG, Haryana
for the respondent/State alongwith ASI Ajit Singh.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail on behalf of the petitioner in case FIR No. 202 dated 06.08.2015 for the offences punishable under Sections 376-A and 506 of the Indian Penal Code and under Section 4 of Protection of Children from Sexual Offences (POCSO) Act, registered at Police Station Bawani Khera, District Bhiwani.

As per the allegations, the prosecutrix-16 years old minor, is alleged to have been forcibly administered some substance while sleeping in her house by the accused and, thereafter taken on a motorcycle to another palace and raped twice.

Learned counsel for the petitioner contends that a false case been foisted upon the petitioner, who is a nineteen years' old boy. It is further submitted that the prosecutrix had on her own violation accompanied the petitioner and no force was used. He further submits that the petitioner is in custody since 08.08.2015 and after completion of the investigation, challan has been presented and evidence is yet to

commence. It is also contended that the aforesaid FIR was lodged after 42 days of the occurrence.

Learned State Counsel, assisted by ASI Ajit Singh, concedes that the investigation are over and challan has been presented and the prosecution evidence is yet to commence.

Without commenting on the merits of the case, keeping in view the age of the petitioner, custody period and the facts noticed above, no useful purpose would be served by keeping the petitioner/accused in custody, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of CJM/Duty Magistrate, Bhiwani.

Disposed of.

December 17, 2015

'dk kamra'

(JASWANT SINGH)
JUDGE