

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

CRM-M No. 7304 of 2015 (O&M)

Date of decision: 31.03.2015

Pawan @ Pona

..... Petitioner.

Versus

State of Haryana

..... Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Dinesh Arora, Advocate, for the petitioner.

Mr. Harish Sharma, Advocate, for the complainant.

Ms. Tanushree Gupta, DAG, Haryana, for the respondent.

NAVITA SINGH, J. (ORAL)

Though the petitioner is being tried for serious offences, one of which being Section 376 of the Indian Penal Code, it is pointed out by counsel for the petitioner that in the FIR, prosecutrix Renuka had said that on 09.08.2014, while she was with her sister, she was forcibly put in a car by two persons one of whom she recognized as Pawan, whereas in her statement under Section 164 of the Code of Criminal Procedure (Cr.P.C. for short) recorded on 16.08.2014, she stated that the petitioner was known to her since 2011 though he had represented his name to her as Pardeep Hooda.

In the statement under Section 164 Cr.P.C., Renuka mentioned that she had gone to the house of the petitioner one day where his mother gave her tea. A few days after that, he wanted her to visit his house again, but she refused and at that time the petitioner told her that earlier when she

had gone to his house he had mixed something in her tea and had clicked nude photographs. He started blackmailing her by way of sexual assaults.

It is not understandable if the girl was drugged on her first visit to the house of the petitioner, then how she was not aware that she had lost consciousness and advantage had been taken by the petitioner. It remains absolutely unexplained that she came to know of being drugged only when the petitioner told her so, while she did not know whether or not she was drugged and she got unconscious. This part of the story is quite unbelievable.

State counsel submits that three witnesses have been examined by the prosecution, who were the main witnesses, i.e. the complainant, her father and the sister, who was allegedly with her at the time of alleged incident.

The main witnesses have already been examined. The petitioner is in custody since 11.08.2014.

In view of the facts and circumstances delineated above, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of Trial Court/Duty Magistrate.

Needless to say that nothing observed in this order should be taken as an expression on the merits of the case.

(NAVITA SINGH)
JUDGE

31.03.2015
Ramesh