

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

**Crl. Misc. No.M-33671 of 2016(O&M)**

**Date of decision : 08.11.2016**

**Kuldeep**

**.....Petitioner(s)**

**Versus**

**State of Haryana**

**...Respondent(s)**

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Dr. Anand Kumar Bishnoi, Advocate  
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. Deepinder Singh, Advocate  
for the complainant.

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**ANITA CHAUDHRY, J.**

Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 68 dated 19.06.2016, registered under Sections 323 IPC and Section 4 of POCSO Act, Women Police Station Rewari, District Rewari.

State counsel says that the petitioner has joined the investigation.

Counsel for the complainant had mentioned that prosecutrix was suffering from mental illness and had gone to stay at her Bua's house. Allegations are that her uncle took her to the bathroom and raped her at night.

The record shows that when the girl was presented before the Magistrate, she was unable to make any statement. She was directed to appear after a week. The Magistrate had noted in Annexure P-3 that the girl was suffering from neurocysticercosis. The FSL report has been received. No semen was found.

Looking to all these circumstances, but without commenting on the merits of the case, the petition is allowed and order dated 19.10.2016 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure. The petitioner would not contact the complainant or her family or tamper with evidence.

08.11.2016

Sunil

**(ANITA CHAUDHRY)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No