

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

**Crl. Misc. No. M-38435 of 2016
Date of decision :- 18.11.2016**

Saurabh

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Panwar, Advocate
for the petitioner

Ms. Mahima Yashpal, AAG, Haryana

RITU BAHRI, J. (Oral)

Reply filed by the State is taken on record.

Prayer in this petition is for grant of regular bail to the petitioner, in a case arising out of FIR No. 156 dated 15.08.2016, registered at Police Station Sadar Kaithal, District Kaithal, who has been booked for having committed the offence punishable under Section 342/365/376D IPC, 3 of S.C./S.T Act and Section 4 of POCSO Act.

A perusal of F.I.R, statement of the victim under Section 164 Cr.P.C shows that the main allegations of rape is against the accused Mohan Lal, who was in constant touch with the prosecutrix before the commission of the alleged incident.

A persual of order dated 18.10.2016 whereby the bail of the present petitioner has been declined, shows that the petitioner stood as a guard outside the house, where the prosecutrix was raped by Mohan Lal. Further the house belongs to the relative of the petitioner.

As per reply filed today by DSP (HQ) Kaithal, the prosecutrix and Mohan Lal were friends before the incident, as per the details of their mobile numbers. The photos which were handed over to the enquiry officer by Assistant Advocate General for verification was found to be of accused Mohan lal and complainant. It has further been found that the present petitioner was engaged with Miss Geeta on 20.04.2015 and their marriage was fixed for 26.11.2016.

Learned State counsel on instruction from Investigating Officer has further informed the Court that date of birth of the prosecutrix is 11.12.1999 and at the time of alleged incident, she was above 17 years of age.

Keeping in view the fact that the prosecutrix was in touch with the main accused and the petitioner only stood as guard, the present petition is allowed. Petitioner is ordered to be released on bail during pendency of the trial of the present case, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Kaithal.

18.11.2016
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No