

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

**Crl. Misc. No. M-42536 of 2016
Date of decision :- 02.12.2016**

Lovely

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Satyaveer Singh, Advocate
for the petitioner

Ms. Mahima Yashpal, AAG, Haryana

RITU BAHRI, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner, in a case arising out of FIR No. 17 dated 04.02.2016, registered at Police Station Shahzadpur, District Ambala, who has been booked for having committed the offence punishable under Section 363/366-A IPC and Section 3/4 of POCSO Act.

It is not disputed that the petitioner was having love affair with the daughter of the complainant who was 17 years 10 months at the time of the occurrence. The daughter of the complainant has admitted this fact and supported the case of the petitioner in her statement given under Section 164 Cr.P.C. She further stated that she had gone out of her own free will with the petitioner (P-4). Learned counsel further submits that the petitioner and girl Shalu were apprehended and arrested by the police on 13.02.2016 from Community Health Centre Amabla and no evidence of any injury was found on the body of the girl Shalu in medical examination.

Learned State counsel on the other hand submits that the girl while appearing before the trial Court has stated that she was under the threat of accused while giving her statement under Section 164 Cr.P.C. She stated that the accused confined her in a room and committed sexual intercourse with her against her wishes and without her consent. She was confined in that room for about eight-nine days and was subjected to rape daily.

Heard.

Petitioner is in custody since 13.02.2016 and it seems that the daughter of the complainant had diverted from her initial statement under the threat of her family members as earlier she has categorically admitted in her previous statement before the Magistrate that she is not under any pressure from any one while recording the statement under Section 164 Cr.P.C.

Keeping in view the fact that the trial is likely to take some time to conclude and the fact that the prosecutrix in her earlier statement stated that she was having love affair with the petitioner, 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, Ambala.

02.12.2016
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No