

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

113+209

**Criminal Misc. No.M-43313 of 2015 (O&M)
Date of decision: March 21, 2016**

Dinesh

....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Dalbir Singh, Advocate for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana.

DAYA CHAUDHARY, J.(Oral)

Crl. Misc. No.9613 of 2016

This application is for placing on record the statement of the prosecutrix as Annexure P-4.

Application is allowed.

Annexure P-4 is taken on record.

Crl. Misc. No.M-43313 of 2015

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to petitioner, namely, Dinesh in case

FIR No.417 dated 28.06.2015 registered under Sections 363/366 of the Indian Penal Code (Sections 366-A/120-B IPC and Section 4 of the POCSO Act were added later on but charge was not framed) at Police Station Samalkha, District Panipat during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case whereas no offence is made out against him. Learned counsel also submits that it was a case of love marriage and the same was not liked by the parents of the girl and accordingly, the present FIR was registered. After investigation, challan was presented and no charge has been framed under POCSO Act. As per statement of the prosecutrix, no rape was committed upon her. The complainant has not supported the case of the prosecution as well. The petitioner is in custody since 29.07.2015 and no useful purpose would be served by keeping him behind the bars.

Learned State counsel has not disputed the custody period and also the fact that the prosecutrix as well as the complainant have not supported the case of the prosecution but opposes bail to the petitioner on the ground of seriousness of offence.

In view of the submissions made by learned counsel for the petitioner and the fact that the prosecutrix has denied the allegations of commission of rape by the accused in the statement recorded under Section 164 Cr.P.C. and has also admitted that she

has solemnized marriage with petitioner with her own will; all material witnesses have already been examined and there is no possibility that the petitioner may influence the remaining witnesses; the petitioner is in custody since 29.07.2015 and that no useful purpose would be served by keeping him behind the bars any further, the present petition is allowed. The petitioner, namely, Dinesh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

March 21, 2016
sonia gugnani

(DAYA CHAUDHARY)
JUDGE