

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

Crl. Misc.M-45409 of 2016 (O&M)
Date of Decision: 23.12.2016

Dinesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jai Vir Yadav, Advocate
for the petitioner.

Mr. S.K. Saini, AAG Haryana

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.303 dated 06.08.2015, under Sections 363, 366-A, 506 of Indian Penal Code and Section 4 of POCSO Act (added later on) registered at Police Station Bilaspur, District Gurgaon.

Learned counsel for the petitioner contends that petitioner herein has been in custody under the aforesaid FIR since 16.03.2016, in which, the statements of the prosecutrix as well as the mother of the prosecutrix have been recorded. It is argued that a reading of the statement of mother of the prosecutrix reveals that no such incident took place.

Further, a reading of the MLR also shows that there are no evidence of injuries, external or internal, which substantiates that the relationship was consensual in nature. It is also argued that the prosecutrix remained with the petitioner for 15 days and travelled to Shimla, Shimla to Jaipur, Jaipur to Jaisalmer and back and she would have ample opportunity to raise an objection or to raise hue and cry, therefore, the allegations as made in the FIR are wholly improbable.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Ajay Pal, opposes the bail application, saying that there is a young minor girl involved, therefore, the petitioner is not entitled to grant of regular bail.

I have heard learned counsel for the parties.

Without expressing any opinion on the merits of the case and while taking note of the facts that statements of both the prosecutrix and her mother have been recorded, the petitioner has been in custody since 16.03.2016, the trial is likely to take some time to conclude and no useful purpose would be served in keeping the petitioner behind the bars, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

December 23, 2016
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No