

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

CRM No. M-42171 of 2016.

Date of Decision: 01.09.2017.

Ashu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Naveen Kumar Jaglan, Advocate,
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 439 the Cr.P.C seeking regular bail in case FIR No.274 dated 13.03.2016 registered under Sections 363, 366-A and 376 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station City Panipat, District Panipat.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In the initial statement of the prosecutrix recorded under Section 164 Cr.P.C, she had denied all the allegations of rape and kidnapping. Her stand was that she had gone to Delhi on her own. It is further contended that in the FIR, the age of the prosecutrix was mentioned as 15 whereas, in her statement recorded under Section 164 Cr.P.C, she had mentioned her age as 19 years. Even the prosecutrix had refused to get herself medically examined.

On the other hand, the learned State counsel opposes the bail application.

Heard.

Considering the fact that the prosecutrix had mentioned her age to be 19 years, she had refused to undergo medical examination, in her statement under Section 164 Cr.P.C., she has named none, this Court is of the opinion that the effect of these circumstances make out a case for grant of bail to the petitioner. So, without commenting on the merits of the case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/duty Magistrate concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

01.09.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No