

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

**CRM No. M-7346 of 2017
Date of decision: 23.05.2017**

Rahul	Versus	 Petitioner.
State of Haryana		 Respondent.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Anu Garg, Advocate, for
Mr. V.P. Sangwan, Advocate, for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

The petitioner prays for grant of bail pending trial in FIR No. 21 dated 03.04.2016 registered under Sections 376 (ii), 365, 506 of the Indian Penal Code (for short 'IPC') and Section 6 of the Protection of Children from Sexual Offences Act (for short 'POCSO Act') at Police Station Women, Bhiwani.

It is submitted that the petitioner, who was serving the Army, has been falsely implicated in this case. There is an unexplained delay of one year in reporting the alleged offence. Relationship, if any, at best it is submitted, was consensual. No photographs etc. as alleged have been recovered. Furthermore, the victim in this case was not a minor at the time of the incident. The petitioner had joined the Army and had proceeded to his place of posting.

Learned counsel for the petitioner submits that the victim has since testified before the learned trial Court on 26.04.2017. She has not supported the prosecution case. Therefore, this petition be allowed.

Heard learned counsel for the parties.

Learned counsel for the State on instructions from SI Suman

Rani, Police Station Women, Bhiwani verifies that the victim in this case has not supported the prosecution version. The petitioner has been in custody since 16.04.2016. Eight prosecution witnesses are yet to be examined. Trial in this case is not likely to conclude in the near future. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. He is not involved in any other case. No useful purpose would be served by keeping the petitioner incarcerated any longer. Therefore, keeping in view the peculiar facts and circumstances of this case but without expressing any opinion on the merits thereof, it is considered just and expedient to allow this petition.

Consequently, the petitioner shall be released on bail pending trial in case FIR No. 21 dated 03.04.2016 registered under Sections 376 (ii), 365, 506 of the IPC and Section 6 of the POCSO Act at Police Station Women, Bhiwani, subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned trial Court.

(LISA GILL)
JUDGE

23.05.2017
PA

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