

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

**Crl. Misc. No.M- 27446 of 2018
Date of decision : 11.09.2018**

Rakesh Kumar

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Vishal Sharma, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

ANITA CHAUDHRY, J.(ORAL)

The petitioner is seeking regular bail in FIR No. 196 dated 12.12.2017, registered under Sections 376, 506 I.P.C. and Sections 6 & 21 of the POCSO Act, Police Station Guhla, District Kaithal.

Counsel for the petitioner contends that the prosecutrix had not supported the prosecution version and she is in Nari Niketan.

The State counsel informs that the complaint was lodged on the statement given by the Head Master and the allegations are against the father who had violated his daughter. The State counsel informs that the grandmother did not allow the victim to sleep in the house at night as the petitioner got drunk and used to assault his daughter but the victim has not supported the prosecution version.

The State counsel concedes that in the statement given to the Medical Officer at the time of her medical examination, no allegations of sexual assault were made.

The MLR is available on record. The victim in her own hand had written that her father used to consume liquor and used to beat her and she wanted to live with her aunt and she had made a wrong statement against her father and now she was disclosing the truth.

The victim is lodged in the Nari Niketan. Her statement has already been recorded. She has not supported the version, however, the medical evidence speaks about assault. An application has now been moved for examining another witness. The trial would take long time to conclude.

Considering the above circumstances, without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court with the condition that the petitioner would not contact his daughter till the trial is on.

11.09.2018
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No