

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-33580 of 2018 (O&M)
Date of Decision: 10.8.2018

Vijay KumarPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. D.S.Matya, Advocate
for the petitioner.

Mr. Sharad Kumar Yadav, DAG, Haryana.

ANITA CHAUDHRY, J

CRM-27637-2018

Application is allowed and Annexures P-3 and P-4 are taken on record.

CRM-M-33580-2018

The petitioner is seeking regular bail in FIR No. 258 dated 13.9.2017 registered at Police Station GRPS Ambala Cantt., District Ambala under Sections 4 of POCSO Act.

Counsel for the petitioner contends that the complainant was almost 18 years old and just two days short when she made allegations that the petitioner had promised to marry her and that he would leave his wife and both of them were having an affair and thereafter the allegations are that she went to the house of the accused where the wife of the petitioner, his mother and the petitioner gave her a beating and she returned and upset with the treatment, she went to the railway station to commit suicide and went on the railway track and her legs were amputated. Counsel further contends

that Section 4 of the POCSO Act has been added because the girl was little less than 18 years and her statement has been recorded in the Court and the MLR (Annexure P-4) would show that there were no injuries which were suffered at the hands of the petitioner or his family. He also refers to the mark sheet to show the date of birth of the complainant.

Petitioner is in custody since October 2017. The statement of the victim has been recorded. The victim was two days short of 18 years. She admits to have an affair with a married man. The complainant was upset with the treatment she was given at the hands of the petitioner and his wife when she visited the house of the petitioner and later on attempted to commit suicide which led to amputation of her legs.

Without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(ANITA CHAUDHRY)
JUDGE

August 10, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No