

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

**Crl. Misc. No. M-38941 of 2018
Date of decision : 29.10.2018**

Binder @ Joginder

... Petitioner

versus

State of Haryana

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Partap Singh, Advocate
for petitioner.**

Mr. Arun Kumar, AAG Haryana.

ANITA CHAUDHRY, J.

CRM-36999 of 2018 is allowed and MLR Annexure P-5 is taken on record.

The petitioner is seeking regular bail in FIR No. 23 dated 22.01.2018, registered at Police Station Israna, District Panipat, under Sections 506 IPC and Section 6 of Protection of Children from Sexual Offence Act, 2012 (for brevity, POCSO Act).

Learned counsel contends that the petitioner is in custody since 23.01.2018 and the victim is stated to be 7 year's old and they have placed on record the MLR which show that the hymen was intact and no semen was detected in the FSL report. He further submits that the victim and her mother have been examined by the trial Court and a complaint was given by the grandfather who is not appearing and a corruption case had been lodged against him. He further submits that the MLR would show no injury.

The victim and her mother have been examined. The

complainant is the grandfather who is yet to be examined. The petitioner is in custody for over ten months. FSL report is against the prosecution. The trial would take time.

Without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds and satisfaction to the satisfaction of trial Court. The petitioner will not contact the victim and her family members.

October 29, 2018
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No