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

CRM-M No.49444 of 2018 (O&M)
Date of Decision: 16.11.2018

Vicky

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naveen Gupta, Advocate
for the petitioner.

Mr. D. R. Singla, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The petitioner herein has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.128 dated 15.06.2018, under Sections 363 and 366-A of Indian Penal Code (later on Section 6 of POCSO Act was added after 14 days i.e. on 29.06.2018), registered at Police Station Sadar Narwana, District Jind.

Learned counsel for the petitioner contends that the allegations as set out in the FIR are completely false, as the prosecutrix herself suffered a statement before the Magistrate on 18.06.2018 stating therein that she went for an outing with the petitioner, who is her friend. In the said statement, no overt action had been attributed by the petitioner herein. At that time, she had refused to get her medical examination and after a time of 14 days, a supplementary statement was suffered and it is

only on the 29th June, 2018 that she changed her statement and the medical was done which would not substantiate the allegations. It is contended that since challan has been presented, his custodial interrogation would not be required.

Learned State counsel, on instructions from the Investigating Officer, submits that petitioner has joined the investigation and he is not required for the custodial interrogation.

In view of the facts that the matter has been investigated, the petitioner is not required for custodial interrogation. Without going into the merits of the case and keeping in view the fact that the matter has been investigated and trial is likely to take some time to conclude, the present petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

November 16, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No