

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

CRM-M-51357-2018 (O&M)

Date of Decision: 28.11.2018

Narender

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. H.N. Sahu, Advocate
for the petitioner(s).

Mr. Arun Kumar, A.A.G., Haryana.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.106 dated 18.04.2018 registered under Sections 363, 366-A, 376(2)(n) IPC and Sections 3(2)(v) of SC/ST Act and Section 6 of POCSO Act at Police Station Bhiwani Khera.

Learned counsel for the petitioner contends that the petitioner is in custody since 08.06.2018 and a missing report was lodged by the father on 18.04.2018. Counsel submits that the girl was recovered on 08.06.2018 and in her first statement given under Section 164 Cr.P.C., the victim had stated that she had gone on her own and did not name anyone but later on in the statement given before the Child Welfare Committee she had named the petitioner and that she was taken to Haridwar and was sent by Narender's brother Joginder. The counsel further submits that the prosecutrix is a married lady and they have placed on record her photographs (Annexure P-5) and she was married to Bijender. Counsel also refers to the judgment dated 01.11.2018 to show that another FIR was registered at the instance of

the same complainant i.e. father of the petitioner in Bhiwani and the father and daughter had turned hostile. The counsel states that same kind of allegations were made earlier and they are used to extracting money.

Learned State counsel, earlier in the day, informed that 3 witnesses out of 18 witnesses had been examined but the prosecutrix is yet to get her statement recorded.

A pass over was given as the counsel for the petitioner wanted to go through the judgment rendered in November, 2018. On the second pass over, the State counsel states that the IO/police official has left and is not available.

There is no one to brief the State counsel. The official who was deputed for today has left. State counsel would inform the concerned SSP.

In the first statement given by the victim, she had not named anyone and had stated that she had gone on her own. The judgment has been placed on record by counsel for the petitioner to show that a similar complaint was made against some other accused which ended in acquittal as both the complainant and his daughter had turned hostile. Some photographs have been placed on record to show that the victim is married.

Considering the factual aspects, petition is allowed. Petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate with a condition that the petitioner will not contact the victim or her family.

November 28, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

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