

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

226

CRM-M-5774-2019 (O&M)

Date of Decision:20.05.2019

Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Vikas Lochab, Advocate,
for the petitioner.**

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 read with Section 437 Cr.P.C. is for grant of regular bail to the petitioner pending trial in FIR No.250 dated 15.05.2018 under Sections 376-D, 506, 34, 120-B IPC and Section 6 of the POCSO Act, registered at Police Station Ganaur, Sonipat.

Certified copy of statement of PW2 recorded under Section 164 Cr.P.C., is taken on record.

Learned counsel for the petitioner states that the petitioner is juvenile and he is in custody since 26.05.2018. The prosecutrix has been examined in the case as PW2 and she has not named the petitioner as an accused. He refers to the cross-examination of the prosecutrix conducted by the defence counsel, wherein PW2 has stated that Deepak, who is present in the Court has never committed rape upon her, he never visited her house nor he committed any offence against her.

Learned State Counsel, on instructions from ASI Seema,

submits that in the statement recorded under Section 164 Cr.P.C., the prosecutrix has named the petitioner along with Rajesh.

Heard learned counsel for the parties.

Considering the fact that after getting her statement recorded under Section 164 Cr.P.C., the prosecutrix has been examined in the case and she has not supported the prosecution version. Petitioner is minor and he is in custody since 26.05.2018. This Court finds that trial in the case will take sufficient long time. Thus, the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

May 20, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No