

215.

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

CRM-M-15964-2019

Date of decision:12.07.2019

VIJAY @ DEWA

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gaurav Tyagi, Advocate, for
Mr. S.S. Kharb, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.738 dated 07.08.2018 registered under Sections 363, 366-A of IPC and Section 10 of Protection of Children from Sexual Offences Act, 2012, at Police Station Model Town, Panipat.

Counsel for the petitioner states that the petitioner is in custody since 25.09.2018 and there is no allegation against him that he ever committed rape upon the prosecutrix. He further states that the prosecutrix has made a statement under Section 164 Cr.P.C. wherein she has not made any allegation against the petitioner, rather she has stated that she has married with the petitioner on 04.09.2018 at her own will and she wish to live with the petitioner and left the house voluntarily. He further states that as on date, the prosecutrix is already staying with the father and she has been

examined in the case and, therefore, she is not likely to be influenced by the petitioner in any manner.

Learned State counsel does not dispute the custody. However, she states that the date of birth of the prosecutrix is 10.04.2002 and on the relevant date when she was kidnapped, she was of about 16 years and 4 months and, therefore, her statement that she left the house voluntarily, is of no relevance. She states that the case is now fixed for the remaining prosecution witnesses for 18.07.2019. Out of total 18 witnesses cited by the prosecution, 11 witnesses have already been examined and the remaining witnesses are mostly officials.

I have heard learned counsel for the parties.

The petitioner is in custody since 25.09.2018 and there is no allegation against him that he ever committed rape upon the prosecutrix. Considering the fact that the prosecutrix in her statement made under Section 164 Cr.P.C. has not made any allegation of rape against the petitioner and further, as against the total 18 witnesses cited by the prosecution, 11 witnesses have been examined, the trial in the case will take sufficient long time, this Court deems it appropriate to admit the petitioner on bail.

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

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

12.07.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No