

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-40759-2018

Date of Decision:21.02.2019

Dalpreet Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

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

**Present: Mr. Kamal Sehgal, Advocate,
for the petitioner.**

Mr. Manish Bansal, D.A.G., Haryana.

**Mr. S.S. Antal, Advocate,
for the complainant.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.80 dated 06.04.2018 under Sections 363, 366-A IPC (the offences punishable under Section 506 IPC and Sections 4 & 12 of the POCSO Act, 2012 were added later on), registered at Police Station Sadar Ambala, District Ambala.

Learned counsel for the petitioner states that the petitioner is in custody since 09.04.2018. The prosecutrix in her statement under Section 164 Cr.P.C. has nowhere stated that she was ever subjected to rape. Rather she has stated that on 05.04.2018 at about 12 o' clock, the prosecutrix and the petitioner had gone to Ambala Cantt. station on bike. Thereafter, they boarded a train for Delhi, where she stayed upto 08.04.2018 when they were apprehended by the police. He further states that in the statement under

Section 164 Cr.P.C., the prosecutrix has stated that she liked the petitioner and was not feeling comfortable at her house after the death of her mother. Since no rape was committed, it is for this reason the prosecutrix has made a statement that she does not want medical examination of her body as no teasing or rape is committed upon her.

Learned State Counsel has argued that during cross-examination, the prosecutrix has stated that qua the commission of rape, she has made a statement to the police on 25.04.2018.

Heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 09.04.2018, culpability of the petitioner is to be established during the course of trial, coupled with the fact that in the statement under Section 164 Cr.P.C., the prosecutrix has not made any allegation about the commission of rape, 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 furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the petitioner shall not influence any witnesses during the course of trial directly or indirectly.

February 21, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No