

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21935-2019 (O&M)
Date of Decision:- 1.10.2019

Sanjeev @ Sachin

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Daygeesh Kumar Bhatti, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

GURVINDER SINGH GILL, J.

1. Petitioner-Sanjeev @ Sachin, seeks grant of regular bail in a case registered vide FIR No.248, dated 27.10.2018, registered at Police Station Women Police Station Jind, under Sections 10, 6 of POCSO Act and Sections 307, 342, 366, 34 IPC.
2. The FIR was registered at the instance of the victim wherein it has been alleged that on 26.10.2018 at about 11 pm, she after applying *mehandi* to the hands of her mother went to her room to lie down and at that time Deepak and Parveen came to their house and after covering her mouth abducted her and took her to fields on motorcycle

where Kapil, Sanjeev, Choti and Naseeb were also present. It is alleged that while Deepak and Parveen raped her, Kapil, Sanjeev, Choti and Naseeb teased her. It is alleged that later the accused tied her hands and legs with a cloth and threw her in a pond but around that time her uncle's son Rakesh came there and rescued her.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even as per the FIR in question there is no allegation that the petitioner had sexually assaulted the victim. Learned counsel in this context has also referred to the statement of the victim recorded in terms of Section 164 Cr.P.C. wherein the petitioner is not named at all and it is co-accused Deepak, Parveen and Kapil who are named therein. Learned counsel has further submitted that although the star witness as per the prosecution is the complainant's uncle's son Rakesh who had rescued the victim but somehow said Rakesh is not stated in the list of witnesses and in fact he has furnished an affidavit Annexure P-4 wherein he has categorically stated that he had never seen anybody throwing the victim into pond and nor had he ever rescued the victim from any pond.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and there are specific allegations that he had also teased the victim, no case for grant of bail is made out. It has however, been informed, upon instructions from ASI Monika, that the petitioner has been behind bars since the last about 11 months and that till date as many as 9 out of the cited 16

PWs have been examined and that in fact when the prosecutrix stepped into the witness box, she has not supported the case of the prosecution.

5. In view of the aforesaid position where the victim is already stated to have been examined and has not even supported the case of prosecution and while also noticing that the petitioner has been behind bars since the last 11 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Sanjeev @ Sachin be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

October 1, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No