

236.

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

CRM-M-24020-2019

Date of decision:15.07.2019

GHEESA RAM

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Arjun Atri, Advocate, for the petitioner.

Ms. Priyanka Sadar, 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.66 dated 22.11.2018 registered under Sections 376, 506, 120B of IPC and Section 4 of POCSO Act, at Women Police Station (West), District Gurugram.

The aforesaid FIR was registered at the behest of complainant-Megha, who happens to be the granddaughter of the petitioner. She has levelled allegations against the petitioner (grandfather), Seema (mother) and Chetan (brother), alleging bad act (rape) having been committed upon her by the petitioner and her brother-Chetan.

Counsel for the petitioner has argued that the complainant has solemnized marriage with Manoj, against whom FIR No.8 dated 19.04.2018 under Sections 506, 120B of IPC and Section 6 of POCSO Act has been registered at the behest of Seema, who is mother of the complainant. He further submits that apart from the fact that petitioner has falsely been

FIR registered at the behest of Seema. Even otherwise, the petitioner is grandfather of the complainant and is about 67 years of age. Such allegations against the petitioner are motivated. Petitioner is in custody since 27.11.2018 and trial is not likely to be concluded in the near future.

Learned State counsel does not dispute the custody, however, states that the complainant in the case is yet to be examined.

I have heard learned counsel for the parties.

The petitioner is a grandfather of the complainant, who is about 67 years of age. No medical has been conducted on the person of complainant-Megha, as she has statedly refused to go for her medical examination, therefore, the culpability of the petitioner is yet to be established during the trial. Thus in the absence of medical evidence and considering the age of the petitioner, his relation being grandfather, 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.

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

15.07.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No