

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-24330 of 2019
Date of Decision: May 30, 2019

Arjun

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No. 93 dated 20.04.2018 under Sections 328, 342, 365 and 34 IPC and Section 6 of POCSO Act, 2012 Police Station Israna, District Panipat.

The precise allegations are that on 19th April, 2018, the prosecutrix a girl aged around 17 years and 3 months had accompanied the accused/petitioner to the house of Pawan Kumar co-accused/non-applicant and it is alleged that the latter had violated her against her

wishes.

It is thereafter on the statement of the father of the victim, the present case was got registered.

Mr. Rajender Kumar, counsel for the petitioner *interalia* contends that neither in her statement under Section 161 Cr.P.C. nor under Section 164 Cr.P.C. the victim has levelled any allegations against the petitioner, who is behind the bars since 22.04.2018 and that the trial is not likely to be completed in near future.

On assistance of ASI Jitender, Police Station Israna concedes to the facts that have been canvassed by the learned counsel for the petitioner but has opposed the grant of bail on the ground that at the trial the girl has come with the allegations of rape.

Going through the submissions, it is the own stand of the State that there is no medical evidence to corroborate the allegations of rape and there is nothing substantive during the investigation against the accused/petitioner to bear out that he has any specific role in commission of the offence and that it was accused/non-applicant Pawan, who is principal accused had violated the girl.

In view of the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial

Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

May 30, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking	:	Yes/No
Whether reportable	:	Yes/No