

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

CRM-M-31176-2019 (O&M)
Date of Decision:- 3.12.2019

Ashwini alias Ankit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Krishan M. Vohra, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana,
assisted by ASI Sawinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Ashwini alias Ankit has approached this Court seeking grant of regular bail in a case registered vide FIR No.331, dated 22.11.2017, registered at Police Station Pinjore, District Panchkula, under Section 346 IPC (Sections 376, 506, 34 IPC and Section 6 of POCSO Act added later on).
2. The FIR was lodged at the instance of Meena wherein it has been alleged that her daughter aged 15 years went missing from home and although they had made inquiries from their relatives, acquaintances and neighbourers but no clue could be found as regards her whereabouts.

3. The complainant's daughter was recovered on 6.12.2017 i.e. after about 2 weeks when she had gone missing. Statement of complainant's daughter was recorded in terms of Section 164 Cr.P.C. wherein she deposed to the following effect:

“Question: What do you want to say?

Answer: On 20 Nov in afternoon I went to Bank for withdrawal of money and for the issuance of my father's ATM card. I met with Ankit and Mukesh whom I know from earlier. They asked me to come with them for Tea, due to known to each other I went along with them. After that I do not know what happened. When I woke up then I was somewhere else and my stomach was aching. I told them that my stomach is aching and they give me a tablet and I lost my consciousness. They both used to give me a tablet daily due to which I used to get unconscious. They both have done wrong with me and due to which my stomach used to ache. They used to torture me and used to threaten to kill me. I want to go to my home.”

4. Subsequently after presentation of challan and framing of charges when the victim stepped into the witness box she gave absolutely clean-chit to co-accused Mukesh while reiterating allegations qua the petitioner.
5. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that falsity of the case would be evident from the fact that victim has been changing versions of the occurrence inasmuch as in her statement under Section 164 Cr.P.C. she had named the petitioner as well as one Mukesh to have committed the offence whereas when she stepped

into the witness box she did not utter a word against Mukesh and went on to say that she has seen Mukesh for the first time.

6. Opposing the petition, the learned State counsel has submitted that since the victim has categorically named the petitioner in her statement recorded under Section 164 Cr.P.C. as well as in her statement recorded during the proceedings of trial, the petitioner does not deserve the concession of bail. Learned State counsel has however, informed that the petitioner has been behind bars since the last about 1 year and 4 months and that as on date 9 out of cited 19 PWs stand examined including the eye-witnesses.
7. I have considered rival submissions addressed before this Court. Keeping in view the fact that material witnesses have been examined and the petitioner has been behind bars since the last about 1 year and 4 months, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Ashwini alias Ankit is ordered to 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.

December 3, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No