

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-41945 of 2019

Date of Decision: 21.11.2019

Ankur

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Anshumaan Dalal, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.221 dated 18.03.2018 under Sections 363, 366-A, 506 IPC and Section 6 POCSO Act registered at Police Station Assandh, District Karnal.

The aforesaid FIR was registered at the behest of father of the prosecutrix. As per the FIR, the daughter of the complainant, who was 16 years of age and a student of Class 11th, had left the house for coaching centre, but had not returned back, for which, search was made. It was doubted that the prosecutrix was hidden by some unknown person.

However, after registration of the FIR, she was traced out by her maternal

uncle and it is thereafter, the prosecutrix made a statement under Section 164 CrPC, accusing the petitioner in the case.

Learned counsel for the petitioner has argued that the prosecutrix, her mother as well as her maternal uncle have been examined in the case and they have not supported the case of the prosecution. The prosecution has disowned the very statement made under Section 164 CrPC and further submitted that the petitioner has not committed any wrong with her. Similar statements have been made by PW-7 Neelam, who is mother of the prosecutrix and PW-5 Sandeep Kumar, who is maternal uncle of the prosecutrix. All the witnesses have been turned hostile. He further submits that the prosecutrix in her statement has submitted that the clothes produced before the Court were not worn by her. The petitioner is in custody since 09.04.2018.

Learned State counsel, on instructions from the IO, submits that as per the FSL report, the seminal stains on the underwear (Ex.1A) and plazo (Ex.1B) of the victim matches with that of the accused and the doctor has admitted that the clothes which were worn by the prosecutrix, were handed over to the police.

I have heard learned counsel for the parties.

Admittedly, the prosecutrix, her mother and her maternal uncle, who are the main prosecution witnesses, have not supported the case of the prosecution and have been turned hostile. It has also been brought to the notice of the Court that the prosecutrix has been married and is settled in her matrimonial home. Considering the fact that the petitioner is in custody since 09.04.2018 and the prosecutrix has been declared hostile and

culpability of the petitioner is yet to be established during trial, which is not going to be concluded in near future, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of bail bonds/surety bonds to the satisfaction of trial Court.

November 21, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No