

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

CRM-M-46464-2019 (O&M)
Date of Decision:-11.12.2019

Abdul Subhan @ Imran and others ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Rosi, Advocate for the petitioners.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.261 dated 14.6.2019 at Police Station Bilaspur, District Gurugram under Sections 34, 363 and 366-A of Indian Penal Code wherein offence under Section 6 of POCSO Act was added later on.
2. The FIR was lodged at the instance of Istak, wherein it has been alleged that on 30.4.2019 his daughter aged about 17 years had gone out of home to attend to the call of nature but she did not return back. It is alleged that Aasif, Arshad and Imran @ Immam had enticed away his daughter. It is further alleged therein that although efforts were made to search for complainant's daughter but she could not be found.

3. The learned counsel for the petitioners has submitted that a false FIR has been got lodged by the complainant apparently on account of some misunderstanding and that infact the FIR itself was lodged after 45 days of the alleged occurrence. It has further been submitted that pursuant to filing of challan, statement of the victim was recorded by the Trial Court but she has not supported the case of the prosecution at all. The learned counsel, in this regard, has referred to the said statement of victim (Annexure P-3), wherein she categorically stated that she had left her house to visit her relatives and that nobody had ever raped her and that she does not know the accused present in the Court.
4. The aforestated position is not disputed by the learned State counsel.
5. Keeping in view the aforesaid statement of the prosecutrix recorded in the Court, further detention of the petitioners, who have been behind bars since the last about five months, is not justified. The petition, as such, is accepted and it is ordered that the petitioners be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No