

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

CRM-M-47664-2019 (O&M)

Date of Decision:-14.11.2019

Sandeep Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Radhe Shyam Sharma, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.227 dated 27.6.2019 at Police Station Bhuna, District Fatehabad under Sections 452 and 506 of Indian Penal Code and Section 6 of POCSO Act.
2. The FIR was lodged at the instance of the prosecutrix, wherein it has been alleged that on 27.6.2019 when she went out to tie the buffalo, then Sandeep Kumar (petitioner) came there and placed his hand on her mouth and threw her down and committed bad act with her. However, when the complainant raised alarm, her cousin Vijender was attracted to the spot and upon seeing him the petitioner ran away from the spot.
3. The learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and that the falsity would be evident from the

fact that when the complainant stepped into the witness-box, she has not supported the case of the prosecution at all. The learned counsel, in this regard, has referred to the statement annexed with the petition as Anenxure P-2. A prayer has thus been made for grant of bail.

4. Opposing the petition, the learned State counsel has submitted that the prosecutrix is a minor and that the report of DNA examination also supports the case of prosecution and that in these circumstances, no case for grant of bail is made out.
5. Bearing in mind the fact that the petitioner has been behind bars since the last about four months and that the prosecutrix has not supported the case of prosecution, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

14.11.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No