

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-48435 of 2019

Date of Decision: 18.12.2019

Krishan Kumar

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. S.S. Khurana, Advocate
for the petitioner.

Ms. Priyanka Sadar, 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.0222 dated 17.07.2019 under Section 4 POCSO Act and Sections 363, 366-A IPC (which stand deleted) registered at Police Station Khol, District Rewari. Thus, in the present FIR, only offence survives against the petitioner is under Section 4 POCSO Act.

The petitioner is father of the prosecutrix at whose behest the FIR in question was registered. As per the FIR, the minor daughter of the petitioner aged about 13 years, her date of birth being 20.01.2006, who studies in 8th class in Government Girls Senior Secondary School, had gone to the school on 16.07.2019 at 7-00 A.M. However, she neither reached the school nor came back home and therefore, a search was made. It was suspected that some unknown person has enticed her away.

Learned counsel for the petitioner has argued that the petitioner is father of the prosecutrix. He referred to the statement of the prosecutrix while appearing as PW-1, wherein she has levelled the allegations of rape against accused Rahul and further stated that the petitioner has never committed any offence against her at any point of time. The petitioner is in custody since 09.08.2019.

Learned State counsel does not dispute the custody of the petitioner as well as the statement so made by the prosecutrix while appearing as PW-1 on 16.10.2019, wherein she has not supported the case of the prosecution against the petitioner and rather, named Rahul as accused. She has produced a photocopy of medical of the victim, which is taken on record.

I have heard learned counsel for the parties.

Admittedly, the petitioner is in custody since 09.08.2019. Considering the statement so made by the prosecutrix while appearing as PW-1 wherein she has named Rahul as accused and there being no allegation against the petitioner, I deem it appropriate to release the petitioner 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.

December 18, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No