

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-50362 of 2019.

Decided on:- December 02, 2019.

Bhola alias Ravi alias Krishan.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

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

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

Ms. Gaganpreet Kaur, A.A.G., Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.379 dated 17.07.2019 under Sections 365 (deleted), 363 and 366-A IPC as well as Section 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner states that the petitioner is in custody since 27.07.2019. There is no allegation against the petitioner that he has ever sexually exploited the prosecutrix in any manner. He has referred the statement of the prosecutrix under Section 164 Cr.PC (Annexure P-2) to contend that it is the prosecutrix who had taken the petitioner to her maternal grandfather's house, where they had stayed together for a night.

Learned State counsel, on instructions from SI Dayal Singh does not dispute the custody. Moreover, the prosecutrix is a minor girl of about 15 years of age. Even if there is no allegation against the petitioner for committing rape or sexually assaulting her, the prosecutrix was minor and therefore, he has rightly been charged in the case.

I have heard learned counsel for the parties.

As on date, the prosecutrix is living with her parents. The petitioner is in custody since 27.07.2019. There being no allegation against the petitioner for sexually exploiting the prosecutrix and noticing the statement of the prosecutrix under Section 164 Cr.P.C., wherein she has stated that she had taken the petitioner to the house of her maternal grandfather, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 02, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No