

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-51501 of 2019 (O&M)
Date of decision : December 10, 2019

Satish Chahal

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. RN Lohan, Advocate, for the petitioner

Ms. Trishanjali Sharma, AAG, Haryana with
ASI Ravinder, PS Sadar Jind

Fateh Deep Singh, J. (Oral)

In this second regular bail application filed in case FIR No. 234 dated 11.7.2018, under Sections 363, 366-A, 420, 467, 468, 471, 201, 506 IPC and Section 6 of POCSO Act, Police Station Sadar Jind (the earlier one having been dismissed by this Court on 4.4.2019), the allegations against the petitioner have been levelled by mother of a minor girl aged around 16 years, a student of 9th class. It is alleged that on 10.7.2018, the daughter of the complainant who had gone to her school did not return back and it

was on suspicion the mother got recorded the present FIR against the petitioner leading to his arrest. The statement of prosecutrix under Section 164 Cr.P.C. did not support the prosecution version who claims to have entered into a wedlock with the petitioner on 10.7.2018 and sought protection of the court of learned Sessions Judge on 11.7.2018.

Learned counsel for the petitioner has argued that the girl was in relationship with the accused and being lovelorn couple had entered into wedlock and sought protection of the Court and even the girl does not support the prosecution story in her statement under Section 164 Cr.P.C. contending that the petitioner is behind the bars since a long time.

Learned State counsel on instructions fairly concedes that neither the girl supports the prosecution version nor her statement under Section 164 Cr.P.C. nor there is any medical evidence to support the case of the prosecution but has opposed the bail on the grounds of seriousness of the allegations.

As is there before this Court, the girl in her statement under Section 164 Cr.P.C. recorded on 17.7.2018 had denied that the accused was responsible and claims to have gone on her own and that she was never defiled. The State counsel does not

disputes that there is nothing suggestive in the medico legal report as to the defilement of the minor girl. The claim of the State that the date of birth of the girl is 26.12.2001 and that in the Aadhar card as 4.8.2000 and is an act of forgery and fabrication cannot be gone into at this juncture which is subject to evidence. The statement of the girl under Section 164 Cr.P.C. before the learned Judicial Magistrate there being absence of any medical evidence to show her defilement and that the fact that the petitioner happens to be in custody for a long time are matters of much significance. The trial is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jind.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

December 10, 2019

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**(Fateh Deep Singh)
Judge**

*Whether speaking/reasoned ?
Whether Reportable ?*

*Yes/No
Yes/No*