

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

CRM-M-51707-2019 (O&M)
Date of Decision:- 10.12.2019

Pankaj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.P.Janghu, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana,
assisted by ASI Parmila.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Pankaj has approached this Court seeking grant of regular bail in a case registered vide FIR No.35, dated 12.7.2019, registered at Police Station Women Police City, Rewari, District Rewari, under Section 4 of POCSO Act; Sections 506, 120-B IPC and Section 3 of SC/ST Act.
2. The FIR was lodged at the instance of Parmod Kumar wherein it has been alleged that on 11.7.2019 when he returned back from his

office, his daughter started crying upon seeing him. Upon being asked about the reason she disclosed that a day earlier at about 10.30 pm, two boys had come outside the house on a motorcycle and when she went out she recognized one of them as Rohit as he was studying in her school but she was unable to recognize the other one. It is alleged that they while threatening her forced her to sit on the motorcycle and she was taken to a house near Hari Nagar where Rohit established forcible sexual relations with her while the other boy was not present at that time. Later she was dropped back near her house on the same motorcycle.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even as per the FIR the petitioner is not alleged to have committed any rape.
4. Learned counsel for the petitioner further submitted that when the statement of the prosecutrix was recorded in terms of Section 164 Cr.P.C., she did not state a word against the petitioner and that in these circumstances the petitioner deserves the concession of bail.
5. Opposing the petition, learned State counsel has submitted that since the petitioner was accompanying Rohit and was driving the motorcycle on which the prosecutrix was taken from her home and was ultimately raped by co-accused Rohit, no case for grant of bail is made out. It has however, been informed that the petitioner has been behind bars since the last about 4 months.
6. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner has been behind bars

since the last more than 4 months and is not alleged to have committed rape upon the prosecutrix, in my opinion further detention of the petitioner is not warranted. The petition, as such, is accepted and petitioner-Pankaj is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

December 10, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No