

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

CRM-M-51868-2019

Date of decision:12.12.2019

VIKRAM @ VICKY

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G., Haryana.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.183 dated 6.12.2018 under Sections 363, 366-A IPC & Section 6 of POCSO Act, Police Station Ding, District Sirsa.
2. The FIR was lodged at the instance of Mukesh Kumar wherein it has been alleged that on 1.12.2018 he and other members of his family went to sleep after taking meals. However, on the next day when he woke up in the morning he found that his sister aged 16 years was missing and although they made efforts for tracing her but she could not be found. It is alleged that the complainant suspected Vicky son of Subhash had enticed away her sister on the pretext of marrying her.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact when the statement of prosecutrix in terms of Section 164 Cr.P.C. was recorded, she has not

stated a word against the petitioner and has neither stated that she had been enticed away by the petitioner nor that she has been raped by him. It has further been submitted that subsequently she was tutored by her family and when she was examined in the Court, during the proceedings of the trial, she did level false allegations of rape against the petitioner.

4. Opposing the petition, learned State counsel has submitted that since there are categoric allegations against the petitioner in FIR and also in the statement of victim recorded during the proceedings of the trial, no case for grant of bail is made out. It has however been informed that as on date only 3 PWs have been examined out of cited 18 PWs and that statement of prosecutrix already stands recorded.
5. Having regard to the facts and circumstances of the case and bearing in mind that the petitioner has been behind bars since last about 1 year and that conclusion of trial, in its normal course, is likely to take some time as only 3 PWs have been examined out of cited 18 PWs, further detention of the petitioner will not serve any purpose. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

12.12.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**