

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

CRM-M-53337-2019

Date of decision:18.12.2019

RAHIS

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Jangvir Singh Hooda, 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.15 dated 6.2.2019 under Sections 376, 506 IPC and Section 4 of POCSO Act, Police Station Women, District Palwal.
2. The FIR was lodged at the instance of victim wherein it has been alleged that on 5.2.2019 while her father and brother were away from house and her mother and grand-mother who were present in the house went to sleep after taking meals, she went on terrace for a walk. It is alleged that Rahish, Aarif and Sakib came to the terrace and upon seeing her alone Rahish caught hold of her and gagged her mouth while Aarif and Sakib threw her down. It is alleged that Rahish (petitioner) forcibly opened the string of her '*Salwar*' and Sakib gagged her mouth while Rahish and Aarif committed rape upon her.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and in any case the petitioner being juvenile deserves special concession for grant of bail. It has further been

submitted that falsity of case would be evident from the fact that the other accused have already been found to be innocent.

4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and even the co-accused who had earlier been found innocent have already been summoned with the aid of Section 319 Cr.P.C. no case for grant of bail is made out. It has however been informed that the petitioner has been behind bars since last about 10 months and charges are yet to be framed.
5. Having considered rival submissions addressed before this Court and while refraining from expressing any opinion as regards merits of the case and while bearing in mind that the petitioner is juvenile who has been behind bars since last more than 10 months and conclusion of trial, in its normal course, is likely to take some time as charges have not been framed yet, further detention of the petitioner will not serve any useful 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.
6. It is however directed that the parents of the petitioner shall keep a constant watch on the petitioner and monitor his movement and shall ensure that he does not come in contact with any seasonal criminals.

(GURVINDER SINGH GILL)
JUDGE

18.12.2019
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No