

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

CRM-M-52775-2019

Date of decision:17.12.2019

ANIL

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Parminder Singh, Advocate
for the petitioner.

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

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has approached this Court for grant of regular bail in a case registered vide FIR No.255 dated 09.03.2019 under Section 384 of the Indian Penal Code and Section 8 of POCSO Act, 2012, at Police Station Sadar, Karnal.
2. The case of the prosecution is that the petitioner used to extort the victim, aged 14 years and while holding out the threat to make some of her photos viral, had extorted an amount of ₹40,000/- from the victim. Subsequently, the statement of the victim came to be recorded in terms of Section 164 Cr.P.C. wherein she stated that she had been a 'facebook' friend of Ravi who had asked her to come towards Noor Mahal. Although

she initially refused to go there, but upon being threatened she went alongwith him on his motorcycle to Noor Mahal where another boy, namely Anil (petitioner) was already present. It is alleged that the Ravi took her in the bushes, pushed her and removed her clothes and Ravi tried to establish sexual relations with her forcibly and during the process Anil (petitioner) clicked her photographs. It is further alleged that subsequently they blackmailed her and forced her to steal money from the locker of her mother and consequently she stole an amount of ₹10,000/- on one occasion, ₹10,000/- again and then ₹20,000/- and gave the same to the accused.

3. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case and that the victim has come out with an improved version when her statement was recorded under Section 164 Cr.P.C. inasmuch as no allegation of any attempt of rape was made in the F.I.R. and co-accused of the petitioner namely Ravi has already been granted regular bail by this Court vide order dated 29.11.2019 passed in CRM-M-25700-2019, in these circumstances, he deserves the concession of bail.
4. Opposing the petition, learned State counsel submitted that since the victim was minor and serious allegations have been levelled against the petitioner, no case is made out for grant of regular bail to the petitioner. It has, however, been informed that the petitioner has been behind bars since 23.3.2019 and that statement of the prosecutrix already stands recorded before the trial Court.
5. I have considered the rival contentions addressed before this Court.

Keeping in view the fact that the petitioner has been behind the bars since more than 8 months and co-accused namely Ravi has already been granted bail, his further detention will not serve any useful purpose. Accordingly, the petitioner 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.

6. This petition stands accepted accordingly

(GURVINDER SINGH GILL)
JUDGE

17.12.2019
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No