

227.

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

CRM-M-191-2020

Date of decision: 13.01.2020

VISHAL

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.A. Sheoran, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. *(Oral)*

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.88 dated 08.08.2019 registered under Sections 363, 366-A of IPC (Sections 201, 376(3) of IPC and Section 4 of POCSO Act added lateron) at Police Station Bond Kalan, District Charkhi Dadri.

The aforesaid FIR was registered at the behest of the father of the prosecutrix, whose 15 years old daughter, a student of 10th class, has not returned from the fields. As per the FIR, the prosecutrix left home at about 5 PM in the evening and did not return. Thereafter on the basis of call details, it was found that a call has come from the mobile of the petitioner.

Thereafter, the complainant visited the house of the petitioner where the

family members of the petitioner informed that their son has gone on his motorcycle at around 5 PM without informing them. Therefore, it was suspected that the petitioner has enticed the daughter of the complainant.

Learned counsel for the petitioner has argued that the petitioner is in custody since 09.08.2019. The complainant, the prosecutrix and the mother of the prosecutrix have been examined in the case and they have not supported the case of the prosecution. Even the FSL report nowhere establishes the commission of sexual assault on the prosecutrix.

Learned State counsel, on instructions from SI Bharat Singh, does not dispute the custody and the fact that the complainant, the prosecutrix and the mother of the prosecutrix have been examined in the case and they have not supported the case of the prosecution. Even FSL report does not suggest sexual assault on the person of prosecutrix.

I have heard learned counsel for the parties.

Considering the fact that PW1, PW2 and PW3 who are the prosecutrix/victim, father and mother respectively of the victim have been examined in the case and having not supported the case of the prosecution and further, the FSL report does not establish sexual assault, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

13.01.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No