

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

CRM-M-406-2020
Decided on : 10.02.2020

Haripal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S.Jammu, Advocate
for the petitioner.

Mr. D.R.Singla, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.204 dated 27.08.2019 registered under Sections 376(2)(n) and 506 IPC and Section 6 of POCSO Act at Police Station Sadar Tohana, District Fatehabad.

Learned counsel for the petitioner contends that from the perusal of the allegations levelled in the FIR, it is very apparent that the prosecutrix was in a relationship with the petitioner from the last about three years and in fact was a consenting party. It has further been contended that the age of the prosecutrix has been wrongly shown as 17 years whereas she is more than 18 years of age. Besides this, FIR in question has been registered almost after a delay of three years from the first date of rape. The petitioner is behind bars since 28.08.2019 and no useful purpose would be served by keeping the petitioner behind bars.

On the other hand, learned State counsel while opposing the grant of regular bail to the petitioner submits that there are serious and grave allegations levelled against the petitioner and the prosecutrix has fully

supported the case of the prosecution. He, on instructions from ASI Ajmer Singh submits that 7 out of 17 prosecution witnesses have been examined as on date.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is behind bars since 28.08.2019 and the trial is unlikely to conclude in the near future, no useful purpose would be served by keeping the petitioner in custody. In the circumstances, present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial court/Duty Magistrate concerned.

(MANJARI NEHRU KAUL)
JUDGE

10.02.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No