

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

**CRM-M No.2650 of 2020
Date of Decision.13.02.2020**

Sonu @ Sohan Lal

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Ms. Trishanjali Chopra, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail in FIR No.287 dated 16.09.2019 under Section 506 IPC and Sections 8 and 10 of POCSO Act, 2012 registered at Police Station Taraori, District Karnal to the petitioner, who is in custody since 16.09.2019.

Learned counsel for the petitioner herein would argue that statement of the prosecutrix recorded under Section 164 Cr.P.C. would not constitute an offence under Section 376 IPC and in her statement recorded before the trial Court, she had not identified the petitioner.

Per contra, learned counsel appearing on behalf of the respondent-State opposes grant of regular bail on the ground that statement of complainant i.e. mother of the prosecutrix is yet to be recorded and keeping in view the gravity of offence, the petitioner is not entitled to be enlarged on bail.

I have heard learned counsel for the parties and have perused the paper book. Since the statement of the prosecutrix recorded under

Section 164 Cr.P.C., *prima facie*, does not constitute an offence under Section 376 IPC and she has been examined before the trial Court where she had not identified the petitioner, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed as an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

February 13, 2020
Pankaj*

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