

204.

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

CRM-M-3360-2020

Date of decision: 13.07.2020

NARENDER

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

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.117 dated 26.04.2019 registered under Sections 376D, 450, 506 of IPC and Section 6 of POCSO Act at Police Station Hassanpur, District Palwal.

Learned counsel for the petitioner submits that even if DNA report supports the case of the prosecution, the prosecutrix has been examined in the case, but she has not supported the case of the prosecution and therefore, declared hostile. He refers to the statement of the prosecutrix (PW1) as Annexure P-3 to contend that the date of birth of the prosecutrix has wrongly been stated. He states that the date of birth of the prosecutrix is 07.05.2000 and therefore, the provisions of POCSO Act are not attracted in

the case. The petitioner is in custody since 27.04.2019.

Learned State counsel does not dispute the custody and the fact that the date of birth of the prosecutrix is 07.05.2000 and she has not supported the case of the prosecution and rather declared hostile.

I have heard learned counsel for the parties.

Considering the age of the prosecutrix and her statement made before the trial Court during which she was declared hostile, this Court finds that the culpability of the petitioner is yet to be established during trial and thus 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/Duty Magistrate.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses 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

13.07.2020
sanjeev

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