

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

CRM-M-7410-2020
Decided on :25.02.2020

Ravinder @ Kaliya

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Ashish Sanghi, 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.124 dated 01.09.2019 registered under Sections 120-B, 328, 342, 354-A (1)(i), 354-D(1)(ii), 365, 376-D and 506 IPC and Sections 6 and 8 of POCSO Act at Police Station Women Police Station, District Bhiwani.

Learned counsel for the petitioner contends that initially the FIR No.4 dated 24.08.2019 under Section 346 IPC was registered at Police Station Jui Kalan by the uncle of the prosecutrix wherein it was alleged that the girls had gone missing from their house along with their Aadhar Cards. Soon thereafter, both the prosecutrix were recovered and produced before the learned JMJC, Bhiwani on 28.08.2019 wherein they stated that they had gone of their own accord and did not hold any person responsible for the same. It is also submitted that the complainant in FIR No.4 dated 24.08.2019 in his affidavit deposed that he did not want to pursue the said FIR and consequently, cancellation report was submitted qua the same.

However, later on the FIR in question came to be registered in which the

names of the accused including the petitioner was mentioned wherein allegations were levelled of sexual molestation as well as rape. However, it is submitted that on perusal of the allegations levelled in the FIR in question, no allegation of rape having been committed by the petitioner finds mention. It has also been submitted that during trial, prosecutrix No.1 in her testimony did not level any such allegation of rape qua the petitioner. Hence, it is submitted that it is very apparent that a fabricated version had been weaved out by the complainant in the FIR in question.

Learned State counsel while opposing the bail application, on instructions from SI Lok Ram submitted that there are serious allegations levelled against the petitioner including that of facilitating the prosecutrix to travel to Gohana wherein they were subjected to rape by the co-accused. He further submits that only 6 out of 33 have been examined so far while six other prosecution witnesses have been given up by the prosecution.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is behind bars since 05.12.2019 and the trial is unlikely to conclude in the near future, no useful purpose would be served in 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.

25.02.2020*sonia***(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No