

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

**CRM-M-9775-2020
Decided on : 13.03.2020**

Subhash

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Sushil Kumar Verma, Advocate
for the petitioner(s).

Mr. Munish Sharma, Asstt. AG, Haryana
assisted by ASI Manju Bala.

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 91, dated 14.08.2019, under Sections 328, 366, 34 IPC and Section 6 of the POCSO Act, 2012, registered at Police Station Women Sirsa, District Sirsa.

It has been *inter alia* contended that the petitioner has been falsely implicated in the FIR in question, which would be evident from the fact that the FIR was lodged after a delay of almost three days, which clearly reflected that a fabricated version had been putforth against the petitioner. It was further contended that the prosecutrix had been improving upon her statements and coming out with fabricated and changed versions at each and every stage of investigation. So much so, as per her own statement made before the trial Court under Sections 164 Cr.P.C., she had stated that she was 19 years of age, whereas, during her evidence in the Court, she had stated that her age was 18 years. Even, as per her Aadhar card, the age of the prosecutrix was more than 18 years of age. Hence, it was submitted that

the ingredients of Section 6 of the POCSO Act, 2012 were not attracted. It

was also submitted that a perusal of the FIR in question hinted at the prosecutrix being a consenting party.

Learned State counsel on the other hand has vehemently opposed the grant of concession of regular bail to the petitioner by urging that there are specific and grave allegations levelled against the petitioner. He, however, has not been able to controvert the submissions made by learned counsel for the petitioner that material improvements have been made by the prosecutrix at every stage pursuant to the inception of the FIR and also there being discrepancies *qua* her age.

Heard.

Having considered the submissions made by either side, the petitioner has been behind bars admittedly since 17th August , 2019. Hence, no useful purpose would be served in keeping the petitioner behind bars as the trial is unlikely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 13, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*