

225.

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

CRM-M-9226-2020

Date of decision: 06.03.2020

NARENDER

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Prashant Singh Chauhan, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

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.278 dated 11.11.2019 registered under Sections 341, 342, 506, 34 of IPC and Section 10 of POCSO Act, 2012 (Sections 376D, 120B of IPC and Section 4 of POCSO Act, 2012 added lateron) at Police Station Bawal, District Rewari.

Initially the FIR was registered under Sections 341, 342, 506, 34 of IPC and Section 10 of POCSO Act and thereafter the offences under Sections 376D, 120B of IPC and Section 4 of POCSO Act, were added in the case.

Learned counsel for the petitioner has relied upon order dated 18.12.2019 passed in **CRM-M-54104-2019** titled as ***Sanju @ Sanjeev Kumar Versus State of Haryana***. He has referred to the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Anneuxre P-1) wherein the prosecutrix has specifically stated that the petitioner who was initially

standing on the way, has left the scene when the other 4 accused have locked her in a room. He further states that in fact the prosecutrix was in friendship with the co-accused Kamal which is apparent from the photographs (Annexure P-3) attached with the petition. There is no medical evidence against the petitioner so as to establish the allegation of rape upon the prosecutrix committed by the petitioner. Petitioner is in custody since 13.11.2019.

Learned State counsel does not dispute the custody. However, she submits that in her statement under Section 164 Cr.P.C., the prosecutrix has specifically stated that the petitioner was standing in the way. The argument of the counsel for the petitioner that the petitioner has left the scene is yet to be established during trial. Prosecutrix has not been examined in the case.

I have heard learned counsel for the parties.

Considering the fact that the co-accused has been admitted on bail by this Court and there is no allegation of commission of rape against the petitioner by the prosecutrix as is clear from her statement recorded under Section 164 Cr.P.C., this Court 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.

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

06.03.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No