

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11159-2020 (O&M)
Date of Decision:- 15.6.2020

Sandeep and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surinder Singh Virk, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have filed this petition seeking grant of regular bail in a case registered against them vide FIR No.320 dated 22.8.2019 under Sections 376 and 506 IPC, Section 4 of POCSO Act, Police Station Matlauda, District Panipat.
2. The FIR in question was lodged at the instance of Kamlesh (mother of victim) wherein she has alleged that her daughter aged 17 ½ years

was found missing on the night of 21.8.2019 and although they made efforts to look for her but she could not be traced. However, when she returned back the next day, then her daughter disclosed that Virender (petitioner No.2) had committed rape upon her by taking her to Stadium and had even threatened kill her in case she disclosed about the same to anybody.

3. Learned counsel for the petitioners has submitted that petitioners have falsely implicated in the present case and in fact when the victim, her mother (complainant) as well as her father appeared in the witness box as PW-1 to PW-3, none of them has supported the case of prosecution and have resiled from the statements. Learned counsel in this context has drawn the attention of this Court to the said statements annexed with this petition as Annexures P-2 to Annexure P-4.
4. Opposing the petition, learned State counsel has submitted that it appears to be a case where the accused have been able to win over the prosecution witnesses and that in any case since the victim is less than 18 years, no concession can be shown to the petitioners.
5. Having regard to the facts and circumstances of the case and the fact that challan already stands presented and material witnesses including the victim and the complainant have resiled, further detention of the petitioners will not serve any useful purpose as the conclusion of trial is likely to take some time.
6. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to

the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty
Magistrate concerned.

June 15, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No