

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

CRM-M-11464-2020 (O&M)
Date of Decision:- 28.9.2020

Tribhuvan Rajbhar

...Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vivek Suri, Advocate for the petitioner.

Mr. Karan Sharma, AAG, Haryana.

Mr. S.K. Tripathi, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.39 dated 14.3.2019 under Section 6 of POCSO Act, 2012 at Police Station Women Police Station, District Panchkula.
2. The FIR in question was lodged at the instance of Saraswati Devi wherein it has been alleged that her daughter aged 16 years was enticed and allured by a boy named Tribhuvan on the pretext of marriage and who established physical relations with her while holding out such promise.
3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that no physical relations whatsoever had taken place between the petitioner and the victim and that the petitioner in any case is willing to solemnize marriage with the victim. The learned counsel has further submitted that the falsity of the case would be evident

from the fact that when the complainant stepped into the witness box, she did not support the case of the prosecution and categorically stated that the accused had never sexually assaulted her daughter. The learned counsel has drawn the attention of this Court to the said statement annexed with the petition as Annexure P-2. The learned counsel has also referred to the deposition of the victim annexed as Annexure P-3 wherein she has also stated that the accused had not committed rape upon her.

4. Opposing the petition, the learned State counsel has submitted that since the victim is a minor even as of now, therefore even if the petitioner has been able to win over the complainant and the victim, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner as of now has been behind bars since the last more than one year and six months and is not wanted in any other case.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the complainant and the victim has not supported the case of the prosecution and the petitioner has been behind bars since the last more than one year and six months, his further detention will not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.9.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No