

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 12321 of 2020

Date of Decision: 14.5.2020

Shamsher and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Manish Bansal, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The petitioners seek regular bail in FIR No. 167 dated 22.9.2019 under Sections 354-D, 120-B, 506 IPC, Section 4 of POCSO Act, 2012 and Section 3 of SC and ST Act, 1989, later on added Section 376-D (A) IPC and Section 6 of POCSO Act, 2012, registered at Police Station Rampura, District Rewari (Sections 354-D, 120-B and Section 4 of POCSO Act, 2012 were deleted later on).

Learned counsel for the petitioners submits that the prosecutrix has not named anyone in her statement recorded under Section 164 Cr.P.C. He further submits that the prosecutrix while appearing in the witness box as PW-5 stated that she has got recorded her statement under Section 164 Cr.P.C. as well as the statement to the Legal Aid Counsel under pressure and has turned hostile. She has also stated that the incident took place on 21.9.2019 and she had informed her mother on the same day. She has also stated that her date of birth has been wrongly mentioned in the birth

certificate and she is two years older than that. Learned counsel also submits that both the petitioners stood as guard whereas the rape has been committed by the co-accused Pankaj and the petitioners are in custody since 23.9.2019.

It has been pointed out by the learned State counsel that as per the record, prosecutrix is minor and her mother i.e. complainant-Manisha is yet to be examined.

After arguing for sometime, when the Court was not inclined to grant bail, learned counsel for the petitioners submits that he may be permitted to withdraw the petition with liberty to file the same after complainant Manisha is examined.

Dismissed as withdrawn with liberty aforesaid.

(HARNARESH SINGH GILL)
JUDGE

May 14, 2020
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No