

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

CRM-M-12530-2020 (O&M)

Date of Decision: 03.07.2020

Monu

... Petitioner

v/s

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Ms. Gaganpreet Kaur, AAG Haryana.

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VIVEK PURI, J. (ORAL)

CRM-14711-2020

Learned counsel for the petitioner seeks to place on record copy of the statement of the prosecutrix recorded under Section 164 Cr. P.C. and the orders passed by the Co-ordinate Bench granting bail to the co-accused.

Allowed.

Main Case

The petitioner has prayed for grant of regular bail in case FIR No. 278, dated 11.11.2019 registered under Sections 341/ 342/506/376-D/34 of IPC and 4 and 10 of the Protection of Children from Sexual Offences Act 2012 at Police Station Bawal, District Rewari, Haryana.

Briefly, the FIR has been registered on the basis of statement of the prosecutrix alleging commission of rape by Kamal with the aid of co-accused namely Hanuman, Sanju @ Sanjeev Kumar, Narender and Monu-

petitioner. Precisely, in the statement under Section 164 Cr. P.C. the allegations with regard to commission of forcible sexual intercourse have been levelled against Kamal. The allegations against the petitioner are to the effect that after the commission of forcible sexual intercourse he came inside the room, took the keys of the motor-cycle and thereafter along with Hanuman left the spot.

It has been contended by learned counsel for the petitioner that the prosecutrix was on friendly terms with co-accused Kamal and there is lack of medical evidence to indicate the commission of rape upon the prosecutrix by the petitioner, who is in custody since 13.11.2019. Furthermore, the similarly placed co-accused namely Narender has been granted regular bail by the Co-ordinate Bench of this Court vide order dated 6.3.2020, whereas the similarly placed another co-accused namely Sanju @ Sanjeev Kumar has been granted pre-arrest bail by the Co-ordinate Bench of this Court vide order dated 13.3.2020.

Learned State counsel has not been able to distinguish the case of the petitioner with that of Narender and Sanju @ Sanjeev Kumar, co-accused but has opposed the bail application on the score that there are serious allegations of commission of forcible sexual intercourse upon a girl who was less than 18 years of age.

It remains a fact that allegations of forcible sexual intercourse have not been levelled against the petitioner. Furthermore, the similarly placed co-accused have already been granted bail. In such circumstances, on the basis of principle of parity, the petitioner also becomes entitled to concession of bail.

Considering the above and the fact that conclusion of trial is

likely to consume some time, further detention of the petitioner may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

03.07.2020
Janki

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