

Sr. No.208

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

CRM-M-14106 of 2020 (O&M)

Date of Decision: 19.06.2020

Vikash @ Vicky

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Rahul Deswal, Advocate
For the petitioner.

Mr. Vikrant Pamboo, DAG,Haryana.

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 16 dated 17.01.2019, registered under Sections 363, 328, 366-A of Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 of Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989, Police Station Linepar, Bahadurgarh, District Jhajjar.

2. Learned counsel for the petitioner, *inter alia*, contends that present is a case of adolescent love which did not get the approval of the parents of the girl resulting in the FIR in question, pursuant to which petitioner has been arrested and is confined in jail since 24.01.2019. He further submits that neither before the Medical Officer nor before the Magistrate when her statement under Section 164 Cr.P.C. was recorded on 24.01.2019, the prosecutrix had not leveled allegations of rape. However, to improvise her version, her statement under Section 161 Cr.P.C. was recorded on the same day i.e. 24.01.2019 wherein the allegations of rape were leveled, for the first time.

He further submits that even the scientific evidence i.e. DNA profile belied the prosecution case. According to him, the trial is going at a snail pace and is not likely to conclude soon as out of 22 witnesses only 05, including the prosecutrix and complainant, have been examined.

3. On the other hand learned State counsel opposes the bail plea. On a query of Court, learned State counsel submits that investigation is complete, charges have been framed and trial is going on.

4. The petitioner is in custody since 24.01.2019. As per material placed on record, *prima facie*, it is a case of youthful love gone sour. But without commenting on the merits of the case, considering the fact that investigation is over and challan has been filed and trial is not likely to start or conclude soon in view of current pandemic scenario, this Court is of the opinion that no useful purpose would be served by keeping the petitioner in custody any more.

5. In the totality of circumstances, petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Jhajjar, as the case may be.

(ARUN MONGA)
JUDGE

19.06.2020
Jiten

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