

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15997-2020
(Heard through VC)
Date of decision: 11.08.2020

Surender @ Madda**....Petitioner****V/s.****State of Haryana****.....Respondent****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. Ashish Kumar, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Ritu Bahri, J. (Oral)

This petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No. 333 dated 25.06.2019 registered under Sections 452, 376 and 506 of Indian Penal Code, 1860, Section 4 of POCSO Act 2012 and Section 3 (R)(S) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 at Police Station Meham, District Rohtak.

Learned counsel for the State submits that out of 19 witnesses only 2 witnesses have been examined. The prosecutrix has been examined and the statement under Section 164 Cr.P.C. has been recorded. The petitioner is in custody since 26.06.2019.

Learned counsel for the petitioner submits that in the initial complaint, there was no allegation of rape. However at the time of recording statement of prosecutrix under Section 164 Cr.P.C. before JMIC Rohtak on 26.06.2019, she changed her version and alleged that rape was committed by the petitioner. He further refers to medical report (Annexure P-6) to contend that there is no sign of any external injury or mark of

struggle.

Keeping in view that petitioner is in custody since 26.06.2019 and the trial will take some time for its conclusion, this Court feels that there is no need to detain the petitioner any longer. Accordingly, this petition is allowed and the petitioner is ordered to be enlarged on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

11.08.2020

Divyanshi

RITU BAHRI
(JUDGE)

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