

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

CRM-M-16563-2020

Date of Decision:10.07.2020

Sonu

.....Petitioner

Vs.

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Amit Khatkar, Advocate,
for the petitioner.

Mr. Pardeep Parkash Chahar, DAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.360, dated 07.07.2019, having been registered at Police Station Meham, District Rohtak, alleging therein the commission of offences punishable under Sections 376 and 506 of the IPC.

Learned counsel for the petitioner, firstly, submits that though the victim was only alleged to be 16 years old as per the FIR, even as per the report under Section 173 Cr.P.C., she was more than 20 years of age on the date of alleged occurrence.

Upon query to Mr. Chahar, learned DAG, Haryana, he naturally does not deny that fact and further submits, upon query of this court (on account of the fact that there was a break in the online communication with

learned counsel for the petitioner in between), that the girl, in her first statement under Section 164 Cr.P.C., had stated that she had left home of her own accord but thereafter, on another complaint having been made by her mother on August, 2019 (after three weeks), her second statement under the same provision was recorded, in which she stated that she had been gang raped by four persons but in the investigation conducted, three persons were found to be innocent on the basis of their mobile phone locations, with therefore only the petitioner arraigned as an accused in the said report.

The petitioner is stated to have been in custody since August 4, 2019.

Keeping in view the aforesaid period of custody as also the discrepancy in the statements of the alleged victim, before a Magistrate on each occasion, without making any comment on the actual merits of the case, it is considered appropriate to admit the petitioner to bail.

Consequently, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court, the petitioner is ordered to be admitted to bail during the period of the trial.

July 10, 2020

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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : YES