

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

**CRM-M-17064-2020 (O&M).
Date of Decision: August 17, 2020**

AMAN Petitioner(s)

Versus

STATE OF HARYANA Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Deepak Girotra, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner prays for grant of bail pending trial in FIR No.24, dated 16.04.2020 under Section 506 IPC and Section 6 of the POCSO Act (Subsequently Section 6 of the POCSO Act was deleted and Section 12 of the POCSO Act was added), registered at Police Station Women Rohtak, District Rohtak.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case for extraneous considerations. The FIR, it is submitted, was registered after an unexplained delay of 20 days. The incident complained of, is alleged to have taken place on 25.03.2020 whereas the FIR was registered on 16.04.2020, wherein the victim's mother

alleged that her daughter (the victim) aged 11 years, was taken away by the petitioner to a secluded place in the village and he committed rape upon her. It is contended that the medical evidence on record does not suggest commission of rape upon the victim. No injury was detected on the person of victim. Hymen was found intact. Moreover, the victim as well as her parents on 17.04.2020 itself, disclosed to the police authorities that the offence of rape was not committed and that the accused allegedly pulled the victim towards him in the street. The petitioner, it is submitted, is not involved in any other criminal case and is now being proceeded against for the offence punishable under Section 12 of the POCSO Act and not Section 6 of the POCSO Act. It is, thus, prayed that this petition be allowed.

Learned counsel for the State on instructions from Inspector ParmilaDevi verifies that the victim as well as her parents have recorded their statements subsequently on 17.04.2020 and the petitioner is now being proceeded against under Section 12 of the POCSO Act. The medico-legal report of the victim circulated on the WhatsApp group created for the purpose of video conferencing today, has been perused by me. Final report under Section 173 Cr.P.C. has been represented.

Learned counsel for the State verifies that the petitioner is not involved in any other criminal case. There is no allegation that the petitioner is likely to abscond or influence witnesses. Due to outbreak of the pandemic COVID-19 there is not much progress towards conclusion of the trial. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant, prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of her bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

17.08.2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No