

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208 - CRM-M-17207-2020 (O&M)

Date of Decision: 09.09.2020

Pankaj

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Sanjay Vashishth, Advocate for the petitioner

Mr. Rajiv Goel, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Pankaj aged 20 years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.58 dated 08.02.2020 under Section 6 of POCSO Act, 2012; Section 3 of SC/ST Act and Section 506 IPC registered at PS Kanina, District Mahendergarh.

Learned counsel based upon the pleadings submits that the petitioner is a young boy of 20 years. The petitioner and the prosecutrix were studying in BA-I. The fact that both were class-mates and student in BA-I in Shri Krishna Govt. College, Kanwali is also evident from the fact that in FIR No.42 dated 27.01.2020, the mother of the prosecutrix has mentioned that she has been studying with the petitioner. Learned counsel then submits that in fact in FIR No.42 dated 27.01.2020, there were no details of the allegations of rape (in specific any incident regarding 22.01.2020 – so mentioned in the present FIR recorded subsequently on 08.02.2020). It is the specific case of the petitioner that the allegations made in the second FIR are false, exaggerated and is nothing but an improved version. He further submits that

the prosecutrix and the petitioner are well-known to each other and there are large number of calls *inter se* both of them. Reference in this regard is made to call details (P3). Learned counsel further refers to photographs (P4 colly) that the parties were well acquainted with each other.

Learned State counsel, on instructions from ASI Govind Singh submits that in the earlier FIR, the petitioner was found not involved. In response to the queries raised by this Court vide order dated 25.08.2020, learned State counsel, on instructions, submits that the photographs at page 194-195 are in fact of the petitioner and his prosecutrix itself. He then submits that the charges have been framed on 08.09.2020. There are a total of 20 witnesses and none have been examined till date.

Counsel then submits that due to the present COVID-19 situation, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

09.09.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No