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

**CRM-M No.18103 of 2020(O&M)
Date of Decision: 24.11.2020**

Sandeep

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. G.P.S. Bal, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.289 dated 17.10.2019 registered under Sections 363, 366-A, 376(2)(0) IPC, Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 6 of the Protection of Children form Sexual Offences Act, 2012 at Police Station Sadar, Hansi, District Hisar.

The FIR was registered by the mother of the prosecutrix

to the effect that her minor daughter was kidnapped by the petitioner and she could not locate her despite efforts. Pointed allegations were made against the petitioner that he had allured the daughter of the petitioner and took her away. The statement of the prosecutrix was recorded under Section 164 Cr.P.C on 12.12.2019, wherein she has stated that the petitioner has not committed any wrong act with her. She did not wish to get herself medically examined and she did not intend to take any action against anyone. She did not intend to go with her family members. The police recorded the disclosure statement of the petitioner wherein he has admitted some incriminating allegations against him i.e. the rape committed by him upon the prosecutrix. The police also recorded supplementary statement of the complainant under Section 161 Cr.P.C.

It appears that the police recorded the statement of the prosecutrix other than the statement under Section 164 Cr.P.C and on the basis of which incriminating allegations have been alleged against the petitioner. Vide order dated 27.07.2020, the case was adjourned to await recording of the statement of the prosecutrix before the trial Court. The case was further adjourned for this purpose vide order dated 13.10.2020. Now learned counsel for the petitioner has placed on record the statement of PW-1 i.e. prosecutrix, wherein she has not

supported the case of the prosecution, rather submitted through video conferencing that neither the accused had enticed her away nor committed any rape upon her.

Learned State counsel on instructions from ASI Jasbir Singh states that the prosecutrix has been declared hostile.

Keeping in view the aforesaid position and without meaning anything on merits of case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

24.11.2020

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No