

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-19675-2020****Date of decision: 07.08.2020****Makhan Singh****....Petitioner(s)****V/s.****State of Haryana****.....Respondent(s)****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.****Present:** Mr. Abhimanyu Singh, Advocate for the petitioner.

Ms. Mahima Yashpal, 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 bearing FIR No.388 dated 20.08.2019 under Section 363, 366A (later on added Section 376 (n)(2) and 506 of IPC and Section 6 of POCSO Act 2012) registered at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner refers to the statement given by the prosecutrix under Section 164 Cr.P.C. (Annexure P-3) wherein she specifically stated that she left the house on her own and nobody enticed her. She solemnized the marriage with the petitioner on her own will and she wanted to reside with him. This statement was given on 31.08.2019. However on the same date, she refused to get herself medically examined as per the statement given to Dr. Rashmi Mehta (Annexure P-4). After a gap of one month i.e. on 06.09.2019 she moved an application to get her statement under Section 164 Cr.P.C. recorded again and in this statement, she levelled allegations upon the petitioner and also disclosed her age as 16 years and 6 months (Annexures P-5 and P-6).

Learned counsel for the State, on instructions from ASI Anand Kumar, informed that charges have been framed and out of total 21 witnesses, no witness has been examined as yet. The petitioner is in custody since 01.09.2019.

Keeping in view contradictory statements of the prosecutrix, custody of the petitioner since 01.09.2019 and the fact that the trial is not likely to be concluded in near future, this Court feels that there is no need to detain the petitioner any longer.

Hence, 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.

07.08.2020

Divyanshi

**RITU BAHRI
(JUDGE)****Whether speaking/reasoned:****Yes/No****Whether reportable:****Yes/No**