

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

**CRM-M No.21067 of 2020
Date of Decision : 28.09.2020**

Duli Chand @ Veeru

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Shashikant Gupta, Advocate
for the Petitioner.

Mr. Anmol Malik, Dy. Advocate General, Haryana
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.97, dated 5th August, 2019, registered under Sections 341/365/506 of the Indian Penal Code, 1860 and under Section 6 of the POCSO Act, 2012 at Police Station Women Narnaul, District Mahendergarh.

2. The Petitioner has remained in custody for more than 01 year since 6th August, 2019.

3. On the previous occasion, this Court had refrained from passing any final order on the Bail Petition as it was inclined to ensure that evidence of the Prosecutrix may be recorded in the Ld. Trial Court so as to preclude the possibility of her being pressurized or threatened at the instance of the Petitioner. From the order passed by the Ld. Additional Sessions Judge, Narnaul in POCSO Case No.35 of 2019 on 18th September, 2020, it transpires that the Statement of the Prosecutrix has already been recorded on that date.

4. Perusal of that Statement, a copy of which has been sent up on

behalf of the Petitioner, goes to reveal that the Prosecutrix has totally resiled from her allegations made in the FIR and had also disowned her Statement under Section 164 of the Cr.P.C. Furthermore, from her MLR it is seen that no injury whatsoever was found over her whole body in the night of 5th August, 2019 when her Medico Legal Examination was conducted about 12 hours after the date of occurrence. More particularly in relation to the last entry above Column No.8 in the MLR, it is seen that Report is made to the effect '*Hymen (only if relevant) : Intact*'.

5. It is comprehensible as to how no external or intimate injury was seen on the person of the Prosecutrix when there was not even any undue delay in conducting her Medico Legal Examination in a case in which she had categorically alleged that she was raped by not less than two persons.

6. In this view of the matter and considering the long detention undergone by the Petitioner following his arrest on 6th August, 2019, at this stage, he is ordered to be released on bail to the satisfaction of the Ld. Trial Court concerned.

7. Disposed off.

September 28, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No