

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

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IN VIRTUAL COURT

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**CRM-M No. 23919 of 2020
Decided on: 31.8.2020**

Rahul **.....Petitioner**

Versus

State of Haryana **.....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Chanderhas Yadav, Advocate, for the petitioners

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 of the Cr.P.C. for grant of bail pending trial in case FIR No. 152 dated 7.6.2019, registered under Sections 377, 506 and 34 IPC; Sections 4 and 14(2) of the Protection of Children from Sexual Offences Act, 2012 and Sections 66E and 67E of the Information Technology Act, 2008, at Police Station Salhawas, District Jhajjar.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the prosecution, the allegation constituting offence under Section 377 IPC is not against the petitioner, rather it is against the co-accused. The victim has not been examined so far. He has further submitted that the complainant, the mother of the victim, has admitted in the cross-examination that she had earlier lodged a similar complaint qua her daughter as well, which was subsequently

compromised. In the present case, the co-accused of the petitioner has also got lodged an FIR against the alleged victim of the present FIR for similar act. However, police are not taking any action in that, despite that being a cross version case. The petitioner is not required for any investigation purposes. There is no other case against the petitioner. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana, accepts on behalf of the State.

Learned State counsel, being instructed by ASI Sanjay Kumar, has submitted that there are specific allegations against the petitioner. He is alleged to have recorded the act when the co-accused was committing the heinous act. However, it is not disputed that it is the co-accused of the petitioner, against whom the actual act is alleged. Even the admission made by the mother of the alleged victim in her cross-examination, has not been disputed. It is also not disputed that the petitioner is in custody since 14.6.2019.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

31.8.2020

Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No