

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

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IN VIRTUAL COURT

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**CRM-M No. 25767 of 2020
Date of decision : 10.12.2020**

Sandeep

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Amit Choudhary, Advocate, for the petitioner

Ms. Kirti Singh, DAG, Haryana

Rajbir Sehrawat, J. (Oral)

This second petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.428 dated 1.6.2019, registered under Sections 363, 366A IPC (Section 376 IPC and Section 4 of POCSO Act, 2012 added later on), at Police Station Sadar Palwal, District Palwal.

It is contended by the counsel for the petitioner that the case against the petitioner is totally concocted and is an after thought. Even as per the case of the prosecution, the daughter of the complainant left her house on her own. Although the prosecution claims the prosecutrix to be of 16 years, however, even the petitioner is of the age of only 18 years. The medical evidence does not support the allegation of rape. Except the statement of the prosecutrix, there is no evidence against the petitioner to connect him to the alleged crime. It is further submitted that the petitioner has been in custody for more than one year and six months now and he is not required for any

investigation purposes. Rather the prosecutrix and the complainant; both have been examined as witnesses before the trial Court. Hence, there is no possibility of the petitioner tempering with the material evidence in the case. There is no other case against the petitioner.

On the other hand, the counsel for the State has submitted that there are direct allegations against the petitioner. The prosecutrix has supported the allegations against the petitioner in her statement under Section 164 Cr.P.C.; as well as; in the statement made before the trial Court. However, it is not disputed that the petitioner is also of the age of about 18 years and that he has been in custody for about one year and six months. It is also not disputed that the complainant and her daughter both have been examined before the trial Court. Still further, it is not disputed that there is no other case against the petitioner.

In view the above, but without expressing any further opinion 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 concerned.

(RAJBIR SEHRAWAT)
JUDGE

10.12.2020

Ashwani

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