

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28470-2020

Date of decision : 22.9.2020

Vishal alias Rajat

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Yadvinder Singh Turka, Advocate
for petitioner.

Mr. Sanjay Mittal, Additional A.G. Haryana.

Harinder Singh Sidhu, J.

The case is taken up through video conferencing on account of COVID 2019.

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 4 dated 5.1.2020 registered under Section 4 of Protection of Children from Sexual Offence Act, 2012 at Police Station Barara, District Ambala (Section 6 of POCSO Act added later on).

The FIR was registered on the complaint of prosecutrix. In her complaint, she stated that about one year ago, petitioner was introduced to her by one Vikas and since then he used to do wrong acts with her. Her mother took her to doctor 2-3 days ago on getting unwell. Upon checking, doctor told that prosecutrix was pregnant. It was requested that a legal action be taken against petitioner.

Learned counsel for petitioner has argued that no offence under POCSO Act, 2012 is made out. In her statement under Section 164 Cr.P.C. prosecutrix has stated that she is 20 years old. As per medical report regarding age verification of prosecutrix, it was opined by radiologist that her estimated age is 18-20 years. In her statement under Section 164 Cr.P.C. she stated that she wants to marry with petitioner. Now, a male child has born to her and she alongwith baby is staying with parents of petitioner. Investigation in this case is complete and challan was filed on 1.7.2020 and after framing of charge, case was adjourned for evidence however statement of witnesses could not be recorded due to COVID 2019.

Though as per school leaving certificate, date of birth of petitioner is recorded as 24.2.2002, however, learned counsel for petitioner has argued that question of age of prosecutrix is disputed. As per medical evidence, she is major.

Without commenting anything on merits of case and considering the prevailing situation due to COVID 2019 and the fact that prosecutrix, who is presently residing with parents of petitioner and wants to marry with petitioner, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. Accordingly, petition is allowed. Petitioner Vishal alias Rajat is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

22.9.2020

sjks

Whether reasoned/speaking	:	Yes / No
Whether reportable	:	Yes / No