

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

**CRM-M-28735-2020
Date of decision: 18.11.2020**

Mohit

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Varun Sharma, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Jagjit Singh, Advocate
for respondent Nos. 2 and 3.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 109 dated 25.04.2020, registered under Section 452 IPC and Section 4 of the POCSO Act, 2012 at Police Station Kosli, District Rewari.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant/victim (name withheld), it is stated that the petitioner has committed rape upon her.

Since learned counsel for the petitioner, on 23.09.2020, stated that the matter stands compromised between the parties, respondent Nos. 2 and 3, i.e. the victim/complainant and her father, respectively, were directed to appear before the trial Court/Illaqua Magistrate for recording of their statement with regard to compromise and the trial Court/Illaqua Magistrate was directed to send a report to this Court about the validity of the

compromise. In response thereto, Additional Sessions Judge, Rewari has submitted a report dated 08.10.2020 after recording the statement of the victim and her father.

In the said report, the trial Court has stated that certain questions were put to victim whether she was under any pressure to give the said statement, which was negated by her. Another question was put to her whether she is trying to save the accused, to which, she replied that she implicated the petitioner in order to save her boyfriend and now she is feeling repentance. The victim was put to another question whether she is making statement due to any greed, to which, she again replied in negative. Similar statement was made by the father of the victim.

Accordingly, the Additional Sessions Judge, Rewari has recorded a finding that the victim as well as her father have made the statement without any pressure, fear or greed.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 25.04.2020 and in view of the aforesaid statement of victim and her father, the chances of conviction of the petitioner are very bleak as even the medical evidence is not supporting the version of prosecution.

Learned State counsel has not disputed the factual position but opposed the bail.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions made by learned counsel for the parties as well as the report of the Additional Sessions Judge, Rewari, the instant petition is

allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

18.11.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No