

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 29118 of 2020

Date of Decision: 28.09. 2020

Kapil

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Narinder Singh Sindher, Advocate
for the petitioner(s).

Mr. Chetan Sharma, Assistant Advocate
General, Haryana for the respondent.

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No. 08 dated 12.02.2020, registered under Section 323, 342 & 365 IPC and Section 4, 12 & 17 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as “the 2012 Act”) at Women Police Station Assandh, District Karnal.

As per the case of the prosecution, the prosecutrix, who is a student of 10th class, went to her home during the recess timing of the school when her parents were not present and the petitioner took her to a room of his uncle’s house and committed rape. Thereafter, when she tried to escape, she slipped and suffered injuries on her face resulting in lose of two teeth.

Learned counsel for the petitioner contends that the prosecutrix and the petitioner were involved in a relationship for quite some time. He relies upon a love letter allegedly written by the prosecutrix to the petitioner.

The petitioner is in detention since 18.02.2020. On conclusion of the investigation, the challan has already been presented in the Court but the charges have not been framed. The prosecution intends to examine 15 witnesses on its behalf.

Mr. Chetan Sharma, Assistant Advocate General, Haryana has admitted that the petitioner is resident of the same village and does not have criminal antecedents.

Without commenting on merits of the case and keeping in view the fact that the petitioner is in detention from 18.02.2020 and the conclusion of the trial is likely to take time, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

September 28, 2020
“DK”

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