

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

**220**

**CRM-24928-2020 in/and  
CRM-M-30402-2020(O&M)  
Date of Order: 07.10.2020**

**Harpreet Singh**

**..Petitioner**

**Versus**

**State of Haryana**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Parminder Singh, Advocate,  
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

**ANIL KSHETARPAL, J(Oral)**

**CRM-24928-2020**

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Allowed as prayed for.

The order dated 17.09.2020 is taken on record.

**MAIN**

The petitioner-Harpreet Singh son of Kala Singh prays for grant of bail pending trial in a criminal case arising from FIR No.510, dated 20.12.2019, registered under Section 376D/506/34 IPC and Section 4/6 of Protection of Children from Sexual Offences Act, 2012 (POCSO), at Police Station Indri, District Karnal.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge-cum-Fast Track Special Court (POCSO), Karnal, in paragraph 2 of its order dated 17.09.2020, which is extracted as under:-

*The case of the prosecution is that on 20.10.2019, one HS (name withheld for concealing the identity of the minor and hereinafter to be referred as 'HS' or father of minor or complainant) filed a complaint in PS Indri alleging that his 16 years old daughter 'M' (name withheld for concealing the minor victim and to be referred as minor victim or 'M' hereinafter) was missing from his house since the night of 20.08.2019. He found one mobile phone in which a call was received at 12.15 am from one mobile No.972957299. He pleaded that 'M' be traced out."*

Learned counsel for the petitioner while referring to the statement of the prosecutrix recorded by the learned Judicial Magistrate Ist Class, on 31.10.2019 u/s 164 Cr.P.C. has contended that the prosecutrix did not allege that the petitioner committed penetrative sexual assault. He further contends that thereafter, the prosecutrix changed her version when she went for medical examination.

On the other hand, Sh. Chetan Sharma, Assistant Advocate General, Haryana, has opposed the prayer made.

The translated version of the relevant part of the statement of the prosecutrix recorded under Section 164 Cr.P.C as produced by learned counsel for the petitioner reads as under:-

*"On 10.10.2019, two boys near to my house, out of them one was Harpreet. I do not know the name of second one. Harpreet told me by making call that came out, on which I refused. They threatened me that if you did not come out, will kill your father. In a fear I went with Harpreet in night at Village Chaura Gaon on his bike where 3-4 boys more were there. Harpreet kissed me. Harpreet received a phone call from Village that Muskan has been missing. Then we came from there to Indri. We came to his sister. From where we went towards Kurukshetra where his friend advise him that leave her to Karnal. He left me at Namaste Chowk. They did not return there. I made a phone call to him. Then phone was coming switched off. Then I returned to my house. His friends threatened that if your father went to police station, then kill your family members. Name of his friends was Rakesh, Joginder and Pankaj."*

The petitioner is in custody since 20.11.2019. Sh. Chetan Sharma, Assistant Advocate General, Haryana, on instructions from ASI Ramesh Kumar, has informed the court that the petitioner does not have criminal antecedents.

On conclusion of the investigation, the police has submitted the challan in the Court and the charges have been framed. The conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 20.11.20291 and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

**October 07, 2020**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

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