

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

(Proceedings conducted through video conferencing)

CRM-M No. 30979 of 2020(O&M)

Date of decision: 6.11.2020

Pardeep @ Bhura

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.502 dated 11.05.2019 registered at Police Station City Jagadhari, District Yamunanagar for offence punishable under Sections 363, 366A, 376(3) of the Indian Penal Code, 1860 (in short 'IPC') and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act').

Counsel for the petitioner would argue that statement of the alleged victim was recorded under Section 164 Cr.P.C.(Annexure P-2) wherein she did not level any allegation against the petitioner constituting any of the offences for which the case was registered. He would further argue that the prosecutrix was examined before exclusive Court for Heinous Crime Against Women and Children presided over by Additional Sessions Judge, Yamunanagar at Jagadhari but she turned hostile and her statement has been appended with the petition. He would further inform that Naushad, father of the victim also appeared in the Court and did not

support cause of the prosecution who was eventually declared hostile at the request of Public Prosecutor and failed to connect the accused with the crime when he was confronted with previous statement allegedly made by him.

Counsel representing State of Haryana would inform that prosecution has already examined all the witnesses and the case is pending for defence evidence for today.

Be that as it may, counsel for State of Haryana has not disputed factual scenario with regard to the prosecutrix having not levelled any allegations against the petitioner in her statement recorded under Section 164 Cr.P.C. and turning hostile during trial.

In view of the above, without meaning to express any opinion on merits of the controversy, the petitioner shall be released on bail subject to satisfaction of the trial Court/Additional Sessions Judge (on duty), Yamunanagar at Jagadhari. However, he shall abide by the following condition:-

He shall not leave India without previous permission of the Court.

Disposed of accordingly.

NOVEMBER 6, 2020

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no