

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

**214**

**CRM-M-32823-2020(O&M)**

**Date of Order: 27.10.2020**

**Deepak**

**..Petitioner**

**Versus**

**State of Haryana**

**..Respondent**

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

Present: Mr. Abhishek Sindhvani, Advocate,  
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

**ANIL KSHETARPAL, J(Oral)**

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

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.67, dated 05.06.2019, registered under Section 5 & 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) and Section 363/376-DA/450/34 IPC, at Women Police Station, Jind, District Jind.

Sh. Chetan Sharma, Assistant Advocate General, Haryana, does not dispute that the co-accused of the petitioner, Rahul, who is identically placed, has been granted concession of bail pending trial in CRM-M-27429-2020, decided on 28.09.2020, which is extracted as under:-

*“The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.67 dated 05.06.2019 registered under Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 363, 376-DA, 450, 34 of the Indian Penal Code, 1860, at Women Police Station Jind, District Jind, Haryana.*

*As per the case of the prosecution, the prosecutrix was sleeping with her maternal grandmother but the*

*accused gagged her mouth at about 12 AM and took her away to the agriculture fields where she was raped. It is claimed that she with a great difficulty reached back home at 6 AM in the morning.*

*Learned counsel for the petitioner contends that the prosecutrix, her grandmother and her aunt have been declared hostile as they did not support the case of the prosecution. He further contends that the petitioner is in detention since 18.06.2020.*

*Mr. Chetan Sharma, AAG, Haryana, has informed the Court that the prosecutrix is alleged to be of 13 years of age at the time of incident.*

*Be that as it may.*

*Keeping in view the aforesaid facts and without commenting on the merits of the case, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.*

*Accordingly, the present petition is allowed.”*

In view thereof, the petitioner is also directed to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

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

**October 27, 2020  
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**(ANIL KSHETARPAL)  
JUDGE**

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