

224.

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

CRM-M-29295-2019

Date of decision: 19.02.2020

RINKU @ GURU

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Yashveer Kharb, Advocate, for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.93 dated 20.04.2018 registered under Sections 365 of IPC (Sections 328, 342 read with Section 34 of IPC and Section 6 of POCSO Act, 2012 added lateron) at Police Station Israna, District Panipat.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 22.04.2018. The prosecutrix has been changing her stand as per her convenience. There is no coherence in her statements recorded under Sections 161, 164 Cr.P.C. and the statement made before the Legal Aid Counsel. While deposing before the Legal Aid Counsel, she has not made any allegation against the petitioner as regard commission of rape. She was examined on 20.04.2018 and she has not made any allegation of commission of rape. She has made allegation of commission of rape against the co-accused Pawan, but there is no such allegation against the petitioner-

Rinku @ Guru. Even in her statement under Section 164 Cr.P.C., she has

made allegation against the co-accused Arjun. Counsel has referred to the order dated 30.05.2019 passed by this Court in ***CRM-M-24330-2019*** titled as ***Arjun Versus State of Haryana***, wherein the co-accused of the petitioner has been admitted on bail.

Learned State counsel does not dispute the custody and the fact that the co-accused Arjun has been admitted on bail by this Court vide order dated 30.05.2019.

I have heard learned counsel for the parties.

Considering the statements made by the prosecutrix under Sections 161 and 164 Cr.P.C., her statement made before the Legal Aid Counsel and the fact that the co-accused Arjun has been admitted on bail by this Court, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

19.02.2020
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No