

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

CRM-M-55407 of 2019 (O&M)
Date of Decision: January 10, 2020

Aakil

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. K.B. Raheja, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.150 dated 22.07.2019, under Sections 376-D, 366-A, 506 of Indian Penal Code and Section 6 of POCSO Act, registered at Police Station Women Mewat, District Nuh.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 05.08.2019. It is argued that the petitioner has been falsely implicated in the present case. Counsel for the petitioner places on record a photocopy of the statement of

the prosecutrix that has been recorded before the trial court, in which she has clearly stated that no offence was committed with her and that her actual age is 19 years. It is also argued that the FSL report, which is available on record as Annexure P-4, would show that no semen was detected. It is also contended that since the statement of the prosecutrix has been recorded, in which she turned hostile and conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner while submitting that as per the school certificate available, the age of the prosecutrix is 13 years and the medical would establish that hymen stood torn. However, she is not in a position to dispute the fact that the prosecutrix has turned hostile before the trial court.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 05.08.2019; that statement of the prosecutrix has been recorded, in which she has turned hostile and that FSL report does not reflect the semen, no useful purpose would be served in keeping the petitioner behind the bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

Needless to say, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and

the same shall have no bearing on the merits of the case.

January 10, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No