

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

**CRM-M-1377-2021(O&M)
Date of Decision: 16.08.2021**

(Heard through V.C.)

Mandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. J.S. Dahiya, Advocate
for the petitioner.

Mr. Dhruv Sihag, A.A.G., Haryana.

JAISHREE THAKUR, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.203 dated 12.06.2020 under Sections 120-B, 328, 506, 337, 338 and 376-D of IPC and Section 6 of POCSO Act registered at Police Station Madlauda, District Panipat.

Learned counsel for the petitioner would contend that the petitioner has been falsely implicated while arguing that in the initial statement recorded under Section 164 Cr.P.C. there was no role attributed to the petitioner herein and all allegations had been made against one Deepanshu. It is also submitted that there is no medical on the record to substantiate any offence under Section 376 Cr.P.C. as alleged. It is argued that the prosecutrix has specifically declined to have her medical examination done. It is submitted that it is only thereafter that there was

an improvement and the petitioner herein has been roped in as a person who stood guard while the offence under Section 376 IPC was allegedly committed upon the prosecutrix by Deepanshu. It is argued that the petitioner has been in custody since 30.06.2020 and the statement of the material witness i.e. the prosecutrix has already been recorded and therefore, there is no likelihood of the petitioner influencing the said witness. It is submitted that Deepanshu, the main accused, who is a juvenile has already been allowed regular bail vide order dated 17.11.2020 by the Juvenile Justice Board itself.

Learned counsel for the respondent-State opposes the grant of regular bail but does not dispute the fact that the statement of the material witness already stands recorded.

I have heard counsel for the parties and have also perused case file.

In view of the fact that the material witness stands examined and that the trial would take sufficient time to conclude, I deem it appropriate to allow the benefit of regular bail to the petitioner. The petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

16.08.2021
ps-I

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No