

220.

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

CRM-M-4588-2021

Date of decision: 18.03.2021

ANIL @ MEENA

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ravi Malik, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana,
with SI Raj Kumar.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.179 dated 30.06.2020 registered under Sections 363, 366, 376(2), 328 of IPC and Section 4 of POCSO Act, at Police Station Israna, Panipat, District Panipat, during the pendency of trial.

Learned counsel for the petitioner has argued that the petitioner is innocent. In her statement under Section 164 Cr.P.C., the prosecutrix has stated that she was called by Kajal, took the prosecutrix outside her house and pushed her inside the room and injected two injections of intoxication.

Thereafter, the prosecutrix was taken to the village Jodhan on a motorcycle

where Kajal, Shimla, Meena, Nand Lal, Meenu and Rajinder were there. They feed her intoxicant pills. The statement of the prosecutrix reads as under:-

“On dated 30.06.2020 my family members were gone to the fields. I took out the machine to wash the clothes. Then Kajal called me and took me outside her house and pushed me inside the room and injected two injections of intoxication, then took me to village Jodhan on a bike, where Kajal, Shimla, Meena, Nand Lal and Meenu and Rajinder were and they feed me the intoxicant pills and Kajal and Shimla holds my hand and legs and Nand Lal injected me the injection. Then they started me to sit on the bike, on which I fell, there people asked what happened, then they told that, she is sick and fell off the bike, taking her to the hospital. If my parents do not bring me, they would kill me. If action is not taken on them, we will go ahead, we will not let them sit at home and nothing more to say.”

Counsel further submits that there is no medical evidence against the petitioner for the commission of offence of rape as no injury was found on her person. He refers to the statement of the prosecutrix filed by way of separate CRM-4153-2021 to contend that the prosecutrix has not specifically spelled out as to whether the petitioner committed rape upon her. Petitioner is in custody since 16.07.2020.

Learned State counsel does not dispute the custody. However, she submits that the prosecutrix has made allegations against the petitioner and no girl would make false allegations.

I have heard learned counsel for the parties.

In the absence of any DNA report and considering the fact that

the petitioner is in custody since 16.07.2020, the prosecutrix having already

been examined and there is no possibility of influencing her, 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/Duty Magistrate.

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

18.03.2021
sanjeev

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