

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

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**CRM-M-9046-2021
Decided on : 02.03.2021**

Monu @ Rohit

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Surinder Singh Virk, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by ASI Dilbag Singh.

MANJARI NEHRU KAUL, 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. 125, dated 09.10.2020, under Sections 376-D, 506 IPC and Section 6 of the POCSO Act, 2012, registered at Police Station Sadar, District Panipat.

Learned counsel for the petitioner contends that the false implication of the petitioner in the case in hand finds credence from the contradictory statements made by the complainant (father of the victim), who had levelled allegations of the commission of offences under Sections 376-D, 506 IPC and Section 6 of the POCSO Act, against one Vijay and an another unknown person. However, the victim in her statement recorded under Section 164 Cr.P.C. came up with an altogether different version and levelled allegations of rape only against the petitioner. It has still further

been submitted that during counseling, the victim completely exonerated the petitioner. Learned counsel has also invited the attention of this Court to the testimony of the victim as well as her father, who stepped into the witnesses-box as PW-2 & P-3, respectively, wherein, both of them did not support the case of the prosecution and were declared hostile. Learned counsel for the petitioner has also invited the attention of this Court to the MLR annexed as Annexure P-6 along with the present petition, which also does not corroborate the prosecution version, inasmuch as, hymen was found to be healed with an old tear.

Learned counsel for the petitioner further submits that the petitioner is in custody since 14th October, 2020 and only 04 out of the 16 prosecution witnesses cited have been examined so far and hence, there is no likelihood of the trial concluding any time in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Dilbag Singh, has not been able to controvert the factum of the victim and the complainant having not supported the case of the prosecution and also having made varying statements at different stages ever since the commission of the alleged crime.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything

observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 02, 2021
J.Ram

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