

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

228

**CRM-M-11581-2021
Decided on : 02.09.2021**

Mangal

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Rohit Mittal, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by LSI Neelam.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 46, dated 18.11.2020, under Sections 406, 506 of IPC and Section 4 of the POCSO Act, 2012, registered at Police Station Sadar Mohindergarh, District Mohindergarh.

Learned counsel for the petitioner submits that a false and fabricated case has been planted against the petitioner on the allegations that on the intervening night of 08th/09th October, 2020, he entered the house of the prosecutrix aged about 17 years and sexually assaulted her. Learned counsel further submits that his false implication is evident from the fact that firstly there was a delay of as many as 40 days in lodging of the FIR followed by the fact that while stepping into the witness-box as PW-1, the prosecutrix did not support the case of the prosecution, as a result of which, she was declared hostile. Further submits that the false implication of the petitioner further finds credence from the fact that in the exhibits (case properties), which were sent to FSL, no semen was detected on them.

On the other hand, learned State counsel while opposing the

prayer and submissions made by learned counsel for the petitioner, on instructions from LSI Neelam, has not been able to controvert the factum of the prosecutrix turning hostile during trial. She has also conceded that FSL report, which has been annexed as Annexure P-4 along with the present petition, did not reveal the presence of semen on any of the exhibits, which were sent for forensic examination.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 11th January, 2021. I deem it a fit case for grant of the concession of regular bail to the petitioner. 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 to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 02, 2021

J.Ram

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