

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

CRM-M-12436-2021

Date of decision-24.03.2021

Yogesh

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rohit Mittal, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.247 dated 01.06.2020 registered under Section 498-A, 506, 376 and 34 Indian Penal Code, 1860 and Section 6 of The Protection of Children from Sexual Offences (POCSO) Act, 2012 at Police Station Khol, District Rewari. The petitioner is in custody since his arrest on 02.06.2020.

The FIR was registered on the statement of Sugandha-complainant, wherein it was alleged that her father is missing since 02.12.2012, who had borrowed some amount from a person. After the missing of his father, Kuldeep son of Mange Ram started blackmailing and asked her to either give Rs.8.00 lacs or perform marriage with his son. He forcibly performed her marriage with his son Yogesh, though she was minor at that time. Thereafter, Kuldeep, his two sons, Yogesh

(petitioner) and Mahesh committed rape with her. Rakesh, who is nephew of Kuldeep, also forcibly committed rape with her for many years and used to give threats to kill her. They had also taken her nude photographs, and for the last one year and two months, they started demanding money and gave beatings to her. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that there is long delay of eight years in lodging the case and the petitioner, who is husband of the complainant, has been falsely implicated in the present case. According to the learned counsel, the allegations against the husband are on the face of it are false, particularly when there is no medical evidence to support the accusations. He has invited the attention of the Court to the order dated 29.07.2020 (Annexure P-11) passed by the trial Court and order dated 18.01.2021 (Annexure P-12) passed in CRM-M-27017-2020, respectively, whereby co-accused- Rakesh and Mahesh were released on bail. According to him, as investigation of the case is complete, therefore, his further custody may not be necessary. He prays for bail.

On the contrary, learned State counsel assisted by ASI Satish Kumar has opposed the prayer on the ground that the offence is serious and specific allegations have been made by the prosecutrix. It is pointed out that though there is a delay of eight years in lodging the FIR, but it has been explained by her that after the occurrences, she went to her parental house. Learned State counsel, on instructions states

that the trial has commenced and out of total 29 prosecution witnesses, only 03 witnesses have been examined so far. It is pointed out that the case is now fixed for 28.04.2021, before the trial Court for recording the prosecution evidence.

Considering the above background and the fact that the investigation of the case is complete, further detention of the petitioner behind the bars may not be justified, who is presently confined in judicial custody after his arrest on 02.06.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

24.03.2021

vanita

**(MANOJ BAJAJ)
JUDGE**

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