

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

CRM-M No.19616 of 2021
Date of Decision:02.11.2021
(Heard through VC)

Rajesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gourav Jain, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

Reply by way of an affidavit of Birem Singh, HPS on behalf of
respondent-State is taken on record.

This is a petition that has been filed for grant of regular bail to
the petitioner in FIR No.176 dated 29.04.2020 registered under Sections
363, 366-A IPC (Sections 363, 366-A IPC deleted later on and Sections 376
(3), 452, 506 IPC and Section 4 of the POCSO Act added later on) at Police
Station City Tohana, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner
has been falsely implicated in the said FIR and is in custody since
29.04.2020. It is argued that prosecutrix and the material witnesses have
been examined, who did not support the prosecution version. Moreover,
even the FSL report does not indicate presence of human semen on the

exhibits of the victim. It is submitted that trial is likely to take some time to conclude, therefore, prays for grant of regular bail to the petitioner.

Learned counsel for the respondent-State on instructions from ASI Mahinder would oppose grant of regular bail to the petitioner while pointing to the seriousness of allegations levelled against him, however, she does not dispute the fact that the prosecutrix and the material witnesses have turned hostile. It is submitted that the FSL report as available would not reflect the human semen on any of the exhibits of the victim.

I have heard learned counsel for the parties. Keeping in view the fact that the prosecutrix and the material witness have been examined, who did not support the prosecution version and the fact that the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

November 02, 2021
P.Bhatt

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No