

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Through Video Conferencing)**

CRM-M-13982-2020

Date of Decision: 17.02.2021

BITTU @ PILLU

.....Petitioner

V/s.

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Ravneet Singh Joshi, Advocate,
for the petitioner.

Ms.Tanushree Gupta, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.231 dated 18.05.2019 registered under Sections 365, 376-AB of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 of the Scheduled Casts and Scheduled Tribe (Prevention of Atrocities) Act, 1989 at Police Station, City Tohana, District Fatehabad.

Learned counsel for the petitioner has placed on record the statement/deposition of the complainant and the doctor by way of an e-mail. The same is taken on record subject to all just exceptions. Registry is directed to tag the same at the appropriate place.

It has been submitted that a perusal of the deposition/statement of Doctor Sachin Mangla, Medical Officer, Civil Hospital, Tohana, who had stepped into the witness box as PW-7 before the trial Court, clearly reveals

that as per the MLR, the hymen was intact and nor were there any injury mark on the person of the complainant noticed by him.

Learned counsel for the petitioner while referring to the statement of the complainant made before the Child Welfare Committee, Fatehabad (Haryana) as well as the deposition made before the trial Court has submitted that the contradictory versions given by her leaves no manner of doubt that the petitioner has been falsely implicated in the case in hand on account of misguided suspicion. It has, therefore, been submitted that the petitioner, who has been in custody since 19.05.2019, may be extended the concession of regular bail as all the material witnesses including the complainant stand examined coupled with the fact that there is no likelihood of the trial concluding any time in the near future as 12 prosecution witnesses remained to be examined.

Per contra, learned State counsel, on instruction from ASI Jitender, has not been able to controvert the factual aspects of the submissions made by the learned counsel for the petitioner and has very fairly conceded that a perusal of the deposition of the doctor and other material placed on record that there are indeed material contradictions appearing in the testimony of the complainant.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 19.05.2019, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19. The present petition is allowed and the petitioner is admitted to bail to the satisfaction of the 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.

February 17, 2021

Ess Kay

[MANJARI NEHRU KAUL]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>