

CRM-M-26528-2021

Date of Decision: 19.7.2021

Pardeep @ Dhodu

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Prateek Rathee, Advocate, for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.57 dated 7.5.2019 under Section 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station West, Gurugram.

It has been submitted by learned counsel for the petitioner that the petitioner was falsely implicated in this case merely because the victim was below 18 years of age. The petitioner is a young boy and is behind the bars since 7.5.2019. Learned counsel for the petitioner drawn my attention to deposition of the victim, which is annexed as Annexure P-3, wherein the victim was examined as PW-2 before the trial Court and she was turned hostile. Similarly he placed on record the deposition of the author of the FIR, who is none other than the father of the victim, Rakesh Kumar examined as PW-3 and he has also been declared hostile during his deposition before the trial Court.

Learned State counsel opposes the prayer made by learned counsel for the petitioner and submits that this is the fourth petition filed by the petitioner. However, he submits that out of total 14 prosecution witnesses, 12 prosecution witnesses have been examined.

I have heard learned counsel for the parties and perused the record.

In the totality of the facts and circumstances of the case, I find that the petitioner is behind the bars from 7.5.2019 and the majority of the prosecution witnesses have already been examined. Learned counsel for the petitioner has made out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

19.7.2021
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No