

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27532-2021 (O&M)
Date of decision: 27.07.2021

Mukesh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.P.S. Joura, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of regular bail in FIR No.291 dated 10.08.2020 under Sections 363, 366, 376(2)(n) IPC, Section 6 of POCSO Act and Section 3(2)(V) of SC&ST Act, registered at Police Station Sadar Fatehabad; earlier one was dismissed as withdrawn with liberty to file afresh after statement of the victim is recorded.

Learned counsel for the petitioner submits that now statement of the victim has been recorded and she has not supported the prosecution version and was declared hostile. It is further submitted that as per allegations in the

FIR, registered at the instance of one Balwant Singh, his niece/victim 'S' (real name withheld) was enticed away by the petitioner and he committed sexual intercourse with her in a rented house.

Learned counsel for the petitioner has further submitted that the petitioner is in custody for the last 11 months and 08 days and is not involved in any other case and now statement of the victim, who appeared as PW2, is recorded and she has stated that no one has enticed or taken her away or committed rape upon her. She has seen accused Mukesh present in the Court through video conferencing and stated that he has not enticed her away or committed rape upon her on the pretext of marrying her. This witness was declared hostile and in cross-examination by the Public Prosecutor, she even denied having made any complaint to the police. It is also submitted that even as per FSL report, no semen was detected on the exhibits, which were sent for chemical examination.

Learned State counsel, on the basis of statement of the victim as well as custody certificate dated 26.07.2021 filed in the Court today, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case and also in view of the fact that the petitioner is in custody for the last 11 months and 08 days and is not involved in any other case, this petition is allowed and the petitioner is directed to be released on

In virtual Court

CRM-M-27532-2021

-3-

regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

27.07.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No