

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

CRM-M-28334-2021 (O&M)

Date of decision : 10.09.2021

Sonu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. P.L. Verma, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, 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.

Petitioner has approached this Court praying for grant of regular bail in case FIR No.193 dated 12.09.2020, under Sections 363, 366-A IPC and Section 6 of POCSO Act, 2012, registered at Police Station DLF Phase-I, Gurugram.

It has been contended by learned counsel for the petitioner that petitioner has been falsely implicated in the FIR in question. He submits that the FIR was lodged by father of the victim wherein, it was mentioned that his daughter who was 15 years of age was missing from home and she be searched. On the basis of the same, the FIR was registered, investigation commenced and thereafter, on return, statement of the prosecutrix under Section 164 Cr.P.c. was recorded wherein, she stated that she went with the petitioner with her own sweet will and she married with the petitioner

without any fear and coercion.

Learned counsel for the petitioner submits that the petitioner and the victim got married on 20th November, 2020 and falsely the FIR in question was registered by father of the victim and as a result, petitioner was arrested on 9th April, 2021. He has placed on record the depositions of all the material witnesses in the case i.e. the victim and her parents. He submits that all these three witnesses have been examined by the trial Court and none has supported the case of the prosecution and all three are declared hostile on the request of learned Public Prosecutor. He submits that in view of the position that the material witnesses have not supported the case of the prosecution, the petitioner deserves to be enlarged on bail.

Mr. Manish Bansal, DAG, Haryana for the State opposes the contentions raised by learned counsel for the petitioner and submits that the victim is a minor, however, initially the FIR was registered under Sections 363 and 366-A IPC but when victim was traced out, she was found to be pregnant and thereafter, offence under Section 6 of POCSO was added as the victim was found to be minor. He candidly submits that turning of all the material witnesses hostile is correct. However, in all there are 18 prosecution witnesses, out of which, 6 have been examined including the victim and her parents.

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

Petitioner is behind bars since 09.04.2021 and all the material witnesses did not support the case of the prosecution and turned hostile. The trial would take some time to conclude. In view of peculiar facts and circumstances of the case, I find that learned counsel for the petitioner has

succeeded in making out a case for bail to the petitioner. The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds 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.

10.09.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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