

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

223

**CRM-M-28196-2021
Decided on : 26.07.2021**

Sahil

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Ajay Kumar Gupta, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by SI Yogesh Kumari.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 165, dated 20.04.2021, under Sections 365/506 of IPC and Section 6 of the POCSO Act, 2012, registered at Police Station Industrial Sector 29, Panipat, District Panipat.

Learned counsel for the petitioner submits that the false implication of the petitioner is evident from the fact that the prosecutrix aged 17 years 11 months did not level any allegation, whatsoever, against the petitioner in her statement recorded under Section 164 Cr.P.C., which has been annexed as Annexure P-2 with the present petition. While inviting attention of this Court to the statement of the prosecutrix, he has submitted that the prosecutrix had stated in no uncertain terms that due to an altercation between her and her sister, she had left home of her own accord. Still further submits that the prosecutrix refused to get herself medical examined which further creates a dent in the case of the prosecution with

respect to the allegations levelled against the petitioner in the FIR in question.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. She has, however, not been able to controvert the factum of the petitioner neither having alleged anything against the petitioner with respect to any offence attracting the mischief of Section 6 of the POCSO Act, much less, Sections 365, 506 IPC, nor consenting to get herself medically examined, soon after, her alleged recovery.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that only challan stands presented and petitioner has been in custody since 23rd April, 2021, I deem it a fit case for grant of the concession of regular bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of 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.

(MANJARI NEHRU KAUL)
JUDGE

July 26, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*