

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

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**CRM-M-29005-2021
Decided on : 29.07.2021**

Ranjeet Singh alias Rana

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. D.S. Virk, Advocate
for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana
assisted by SI Ajay Kumar.

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. 76, dated 07.03.2021, under Sections 363, 366-A, 376, 506, 120-B of IPC and Section 4 of the POCSO Act, registered at Police Station Ellanabad, District Sirsa.

Learned counsel for the petitioner submits that a perusal of the FIR in question, which was got registered by the father of the prosecutrix on the allegations that he had lured their daughter aged 17 years 04 months, to some place is belied from the statements recorded by the prosecutrix under Section 164 Cr.P.C. While drawing the attention of this Court to the statement recorded of the prosecutrix (annexed with the present petition as Annexure P-2), learned counsel for the petitioner submits that it leaves no manner of doubt that the petitioner was not at fault and rather, it was the prosecutrix who had accompanied the petitioner of her own accord, as she was fearful that on return to her parental house, she would be taken to task by her parents for not going to college.

Learned counsel for the petitioner has further drawn the attention of this Court to Annexure P-3, which is yet another statement recorded under Section 164 Cr.P.C., wherein, again the victim has deposed on similar lines as her first statement recorded under Section 164 Cr.P.C. Learned counsel has further invited the attention of this Court to the MLR of the prosecutrix/victim (appended as Annexure P-4), wherein, it has been noticed by the attending Doctor that the victim refused to subject herself to medical examination subsequent to her recovery from the custody of the petitioner. Learned counsel has therefore, submitted that in the aforementioned facts and circumstances, it leaves no manner of doubt that a concocted case has been foisted upon the petitioner by the family of the victim.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Ajay Kumar, has not been able to controvert the submissions made by the learned counsel for the petitioner with respect to the statements made by the prosecutrix under Section 164 Cr.P.C., which are at complete variance with the allegations levelled against the petitioner in the FIR in question. She has conceded that victim refused to subject herself to medical examination.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 09th March, 2021 and there is no likelihood of the trial concluding anytime in the near future. 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 29, 2021

J.Ram

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