

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

CRM-M No.29807 of 2021

Date of Decision:06.09.2021

Deepanshu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Arun Gupta, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

CRM No.26250 of 2021

Application is allowed.

Annexure P-7 is taken on record.

CRM-M No.29807 of 2021

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.194 dated 08.09.2019 registered under Sections 346 IPC (Sections 363, 366A, 376(2)(1) IPC and Sections 3 & 4 of the POCSO Act added later on) at Police Station Sector 14, Panchkula, however, charges have been framed under Sections 363, 366, 376(3) IPC, Section 4 of the POCSO Act and Section 3(2)(v) of the The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said matter, while submitting that he has been in custody since 09.09.2019. It is argued that the medical would not support any allegation of rape and moreover, the statement of the

prosecutrix has been recorded, who did not support the prosecution version. He would also place reliance upon the medical report and the fact that there would be no effective determination on account of the fact that the prosecutrix had bathe multiple times and the clothes had been washed. The prosecutrix has already been examined and turned hostile and therefore, question of influencing her by the petitioner would not arise. The trial is likely to take some time to conclude, therefore, seeks concession of bail to the petitioner.

Learned counsel appearing for the respondent-State opposes grant of regular bail to the petitioner while submitting that father of the prosecutrix has supported the allegations as made out in the FIR.

I have heard learned counsel for the parties and in view of the fact that statement of the prosecutrix has already been recorded, who did not support the prosecution version and the fact that the trial is likely to take some time to conclude, no useful purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on his execution of personal/surety bonds to the satisfaction of concerned trial court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

September 06, 2021
P.Bhatt/Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No