

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

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**CRM-M-33207-2021
Decided on : 09.09.2021**

Pardeep @ Rinku

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Tejeshwar Singh, Advocate
for the petitioner(s).

Mr. Gagandeep Singh Chhina, AAG, Haryana
assisted by SHO Sudesh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 0012, dated 12.02.2021 (Annexure P-1), under Sections 313, 376(2)(n), 506, 34 of IPC and Section 6 of the POCSO Act, 2012 (Section 354 of IPC and Section 8 of the POCSO Act, added later on), registered at Police Station Women, Gohana, District Sonapat, Haryana.

Learned counsel for the petitioner submits that a false case has been planted upon the petitioner, who also happens to be a cousin of the prosecutrix and the same finds support from the statement of the prosecutrix made under Section 164 Cr.P.C. (Annexure P-2), wherein, she did not allege any rape or wrong doing against the petitioner. Learned counsel has invited the attention of this Court to the MLR dated 13.02.2021 (Annexure P-5), wherein, it is clearly mentioned that the prosecutrix declined to subject herself to any medical examination. Learned counsel has also invited the attention of this Court to the statement of the mother (complainant) of the prosecutrix (Annexure P-3), wherein, she has also corroborated the statement made by the

prosecutrix that the FIR had been lodged against the petitioner on account of some misguided suspicion.

Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SHO Sudesh, has very fairly admitted that the statements given by both the prosecutrix and her mother including the statement(s) under Section 164 Cr.P.C, was contrary to the allegations levelled in the FIR in question. He has also not been able to controvert the submissions made by learned counsel for the petitioner that there was no MLR on record to substantiate the allegations of rape.

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 22nd March, 2021, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is not likely to conclude in the near future. 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

September 09, 2021

J.Ram

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