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

CRM-M-30383-2020

Date of Decision: 15.02.2021

Surender @ Ravi

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Salil Dev Singh Bali, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.43 dated 17.06.2020 registered under Sections 12 and 4 POCSO Act, 2012 and Sections 342, 354-D, 376 and 506 IPC, 1860 at Police Station Women, District Hisar. The petitioner is in custody since his arrest on 03.07.2020.

The FIR was registered on the statement of Arti and the allegations as noticed by Id. Addl. Sessions Judge, Fast Track Special Court, Hisar in the order dated 02.09.2020 are as under:

“FIR of present case was registered on the statement dated 17.06.2020 of the victim, who is aged about 17½ years and student of 10th class, whereby she informed the concerned police that from the last year, applicant-accused used to stalk her on her way to the school and he also used to pass dirty comments. On 10.03.2020, at around 12:00 p.m., when she was coming at home from the street, he was standing outside of his home and asked her to take her photographs, which he had clicked by his mobile secretly. Thus, being trapped she followed him inside his home and he bolted the door of room, where he committed rape with her after tying her mouth with her shawl and he also extended threat to kill her, if she told the matter to anyone. After coming back home, she told about the incident to her mother and her partents went to the home of applicant-accused and on their complaint, his

mother assured them that she will send her son somewhere else, so that he may not harass the victim anymore. Thereafter, the parents of victim finalized her marriage, but the applicant-accused got broken that talk of marriage. On the night of 12.06.2020, at around 10:30 p.m., he came into their street and threatened her father that if he is not married to the victim, he would kill him. Being apprehensive, the victim along with her father went to the police station and reported the matter with a request to initiate proceedings against the applicant-accused.”

Learned counsel for the petitioner has argued that the alleged occurrence took place on 10.03.2020, whereas the FIR was lodged after a long delay on 17.06.2020. He further submits that the statement of the victim was also recorded under Section 164 Cr.P.C., which is at variance with the original version contained in the FIR. According to him, neither the prosecution has recovered any photograph as alleged in the FIR nor there is any medical evidence to support the allegations made by the complainant/victim. He submits that though the final report has been filed on 29.07.2020, however, till date even charges have not been framed. He prays for bail.

The prayer is opposed by learned State counsel assisted by ASI Sudesh on the ground that the petitioner was following the victim for a long time and committed the alleged act on 10.03.2020. He submits that the victim has named the petitioner in both the statements i.e. the FIR as well as the statement under Section 164 Cr.P.C. He submits that the case is now fixed for 24.02.2021 for framing of the charges.

Considering the above background, custody of the petitioner and the fact that the trial is likely to consume considerable time to conclude, therefore, no useful purpose would be served by further detaining the petitioner behind the bars.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Hisar.

The petition is allowed.

15.02.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No