

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-33047 of 2020 (O&M)
Date of decision : January 05, 2021

Vikas

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Ms. Suman Sagar, Advocate, for the petitioner
Mr. Sumit Gupta, Addl. AG Haryana

Fateh Deep Singh, J. (Oral)

The allegations against accused-petitioner Vikas who is in custody in case FIR No. 302 dated 1.6.2018, under Section 365, 366-A, 363, 34 IPC and 4 POCSO Act, 2012, PS Safidon, District Jind since 10.6.2018 are that he was in a relationship with the prosecutrix and during the intervening night of 31.5.2018, the prosecutrix vanished from her home leading to registration of FIR by father of the girl. It is subsequently the girl was got recovered on 9.6.2018, her statement under Section 164 Cr.P.C. was recorded whereby she vouched in favour of the petitioner claiming that she was in a relationship with the

boy and at her own left and visited numerous religious places in between. It is subsequently that the girl testified that during this period she remained with the boy and she was defiled by him.

Learned counsel for the petitioner inter-alia contends that the girl admittedly is aged around 17 years and 10 months and had volunteered and left at her own with the boy. Her varying stand at different points of investigation and trial are reflective of her being unreliable witness and has sought to hammer home the point that the petitioner is behind the bars since more than two and a half years.

Learned State counsel has strongly opposed the bail on the ground that the earlier bail application of the petitioner was declined and that the girl too has testified against him and thus, is not entitled to any relief.

Be so as it may. The girl is admittedly 17 years and 11 months almost nearing maturity. The contradictory stand of the girl throughout and the fact that it was on her own accord she has left her home at dead of the night and roamed with the boy at different places are reflective of her conduct. Keeping in view that the principal witness including girl has been examined and the petitioner is behind the bars since a long time. On account of present COVID-19 pandemic, the trial is not likely to be accomplished and thus, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of

learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

January 05, 2021
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No