

CRM-M-36481-2020 (O&M)

Date of Decision: 19.8.2021

Ravinder Kumar @ Bhadar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

Mr. Vikas Bishnoi, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.289 dated 16.9.2020 under Sections 354, 354-A, 354-B, 452, 34 IPC and Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 10 of the POCSO Act, 2012 registered at Police Station Agroha, District Hisar.

It has been contended by learned counsel for the petitioner that the petitioner in the present case is a Sepoy in Army, who has been falsely implicated by the prosecutrix. He contends that as per the allegations, the petitioner had trespassed in the house of the prosecutrix and alleged to have committed the offence as alleged. After the investigation, the charges were framed and the evidences commenced. He invites the attention of the Court to the order dated 23.2.2021 passed by this Court, wherein the trial Court was directed to frame the charge and examine the prosecutrix. As per the factual position as on date, the prosecutrix already stands examined.

Learned counsel for the petitioner vehemently contends that the innocence of the petitioner should be ascertained from the deposition by the prosecutrix in her cross-examination, wherein the similar other cases under the POCSO Act, 2012 are found to have been registered by the sister of the prosecutrix against other innocent persons. Not only this, there is one similar case under Section 10 of the POCSO Act, 2012 registered against the elder brother of the prosecutrix. She has desposed that he had been behind bars for that offence. He contends that the petitioner is behind bars since 18.9.2020 and there cannot be any apprehension of tampering with the evidences and thus, his further incarceration is unwarranted.

Learned State counsel opposes the contentions of learned counsel for the petitioner and submits that the offences pertain to Sections 354, 354-A, 354-B, 452, 34 IPC and Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 10 of the POCSO Act, 2012 and thus, the petitioner be not released on bail. However, he affirms that the prosecutrix already stands examined.

In over all facts and circumstances of the case, I find that counsel for the petitioner has made out a case for grant for regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

19.8.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No