

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through Video Conferencing)**

**CRM-M-38759-2020 (O&M)
Date of decision: 5.1.2021**

Pardeep Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Kulvir Narwal, Advocate, for the petitioner.

Mr. Rajneesh Chadwal, Assistant Advocate General, Haryana.

NIRMALJIT KAUR, J. (Oral)

The present petition is filed under Section 439 Cr.P.C. seeking grant of regular bail in FIR No.168 dated 16.12.2019 registered under Sections 363, 366-A, 376(2)(n) of IPC 1860 and Section 6 of POCSO Act, Police Station Bond Kalan, District Charkhi Dadri.

The FIR has been registered on the statement of the father of the prosecutrix, who is stated to be 16 years of age and studying in 10th class.

While praying for regular bail, learned counsel for the petitioner contended that the statement of the prosecutrix has been recorded under Section 164 Cr.P.C. and she has denied any wrong was done to her.

Learned counsel for the State while opposing the bail submitted that as per the FSL report, sexual intercourse has been established and that the petitioner has admitted that he had incited away the prosecutrix.

Heard.

A perusal of the statement of the girl in question shows that she had gone willingly with the petitioner and it has been stated by her in no uncertain terms that nothing wrong was done by the petitioner or anyone else.

Admittedly, only FSL report is on record and not the medical report. No doubt,

the prosecutrix is minor but in view of her statement recorded under Section 164 Cr.P.C. as also taking into account the age of the petitioner too who is 22 years alongwith the fact that the petitioner is in custody for the last more than one year, this Court deems it proper to enlarge the petitioner on regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

(NIRMALJIT KAUR)
JUDGE

5.1.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No