

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-43750 of 2020
Date of Decision: 06.01.2021

Vijay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sanchit Punia, Advocate,
for the petitioner.

Mr. Gurbir Dhillon, AAG, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.72, dated 01.02.2020, having been registered at Police Station HTM Hisar, alleging therein the commission of offences punishable under Sections 354(D), 376-A, 341 and 506 of the IPC and Section 3 of the Schedule Caste and Schedule Tribes) Prevention of Atrocities) Act, 1989, as also Section 4 of the POCSO Act, 2012.

Learned counsel for the petitioner points to the affidavit executed by the prosecutrix on 05.11.2020 (as per the vernacular version thereof), stating to the effect that she had got the FIR in question registered under pressure of her family and that she has since been married to someone else, with the petitioner never having exerted any force upon her (as taken from the vernacular version of the affidavit).

He submits that as per the FIR, which was lodged one year after the occurrence, she was shown to be 17½ years old, with obviously the affidavit thereafter having been executed when she was above the age of 18 years.

He further submits that the petitioner has been in custody for the past about 11 months now.

The factual position as aforesaid is obviously not denied by learned State counsel, on instructions.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

January 06, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No