

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

(Sr. No.227)

**CRM-M No. 93 of 2021
Date of decision : 22.02.2021**

Mohit @ Mannu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Sandeep Saini, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 192 dated 16.08.2020 under Sections 363, 366A, 506, 34 IPC (Section 4 of POCSO Act 2012 added later on) registered at Police Station Narwana Sadar, district Jind.

Briefly stated the case of the prosecution is that on 22.06.2020 the complainant's daughter was married to one Sushil; on the date of her marriage, the petitioner along with 5/6 boys followed the car in which the complainant's daughter's 'doli' was going; a complaint in this regard was made by the complainant to the police; later the matter was compromised before the Panchayat; on 12.08.2020 the petitioner kidnapped his daughter and further threatened to kill the complainant.

Learned counsel for the petitioner contends that the petitioner who is a 19 years old boy has been falsely implicated in the case; the petitioner is in custody since 21.08.2020; there is no other criminal case in

which the petitioner is involved; in her statement recorded under Section 164 Cr.P.C., the prosecutrix had stated that she had willfully gone with the petitioner; at the initial stage the prosecutrix had even refused to get her medical examination conducted; no recovery is to be made from the petitioner; there is no medical evidence to prove the allegations of rape; as per FSL report, no semen was deducted on any of the exhibits of the prosecutrix; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that the petitioner's trial, which is yet to commence, will take a long time to conclude.

Learned State counsel opposes the grant of bail to him on the ground that the petitioner has kidnapped and raped a minor girl.

The petitioner is a 19 years old boy; there is no other criminal case in which the petitioner is involved; the petitioner is in custody since 21.08.2020; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; in her statement recorded under Section 164 Cr.P.C., the prosecutrix has specifically stated that she had willfully gone with the petitioner; there is no medical evidence to support the allegations of rape; the FSL report also does not find any semen on any of the exhibits of the prosecutrix sent for forensic examination; no recovery is to be made from the petitioner and the petitioner's trial which is yet to begin is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail.

Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jind, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

22.02.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No