

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 218

CRM-M-10958-2022

Date of decision : 09.08.2022

Sagar

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Amandeep, Advocate, for
 Mr.Neeraj Sheoran, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

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.49 dated 04.02.2020 registered under Sections 323, 376(2), 376(3) IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Quilla Panipat, District Panipat.

The petitioner is being prosecuted for having raped a minor girl.

Learned counsel for the petitioner submits that the petitioner, who is a 21 year old boy, has been falsely implicated in this case; he is in custody since 05.02.2020; the petitioner and the alleged victim were in a consensual relationship; the story of the prosecution that the petitioner went to the alleged victim's house and raped her is apparently false as in her statement before the Trial Court the alleged victim has not specifically denied photographs showing the consensual relations between the petitioner and the alleged victim and has also admitted the love letter written by her to the petitioner; as per the alleged victim's MLR no injury mark was found on her body showing further falsity in the story of the prosecution; there is evidence on record that it was the alleged victim who had called the petitioner before the alleged rape was committed upon her; the age of the alleged victim is also disputed; the alleged victim

already stands examined before the Trial Court and that since 09 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

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

After considering the afore submissions as also because the petitioner is a 21 year old boy; he is in custody for the last over 2½ years; the alleged victim already stands examined before the Trial Court and that in the petitioner's trial since 09 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude. 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, Panipat, 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.

09.08.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No