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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-26424-2022 in/and
CRM-M-12118-2022
Date of decision: 01.08.2022

RAMAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashwani Bhardwaj, Advocate for the petitioner.
Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J. (ORAL)
CRM-26424-2022

This is an application for placing on record the copy of the statement of the victim as Annexure P-5.

CRM application is disposed of and Annexure P-5 is taken on record.

Registry to tag the same at the appropriate place.

Main case

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Raman-petitioner is seeking regular bail in the case bearing FIR No.147 dated 03.05.2021 under Sections 120-B/363/366-A IPC, Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 6 of the Protection of the Children from Sexual Offences, Act, 2012, registered at Police Station Ateli, Narnaul.

Briefly, the FIR has been registered on the basis of the statement of the grandfather of the victim alleging that the victim was aged about 17 years and the petitioner has kidnapped her.

Learned counsel for the petitioner contends that in the statement of the victim recorded under Section 164 Cr.P.C, the petitioner has not levelled

allegations with regard to threat, pressure or allurement exercised upon her by the

petitioner for commission of sexual intercourse. Moreover, the statement of the victim during the course of trial has also been recorded. Even, in her statement in the trial Court, the victim has specifically and categorically stated that the petitioner neither enticed and taken her away nor committed any sexual assault upon her. She had even refused for medico legal examination.

On instructions from SI Ranbir Singh, learned State counsel has not assailed the aforesaid factual aspects. However, he submits that out of 22, only 01 witness has been examined so far. It has also been stated that the petitioner is in custody for a period of about 09 months and 28 days and is not involved in any other case.

In the instant case, the victim though stated to be less than 18 years of age has not supported the prosecution version. Even, she has not imputed the allegation with regard to kidnapping or commission of sexual intercourse against the petitioner. Even, the victim has not been medico legally examined. The petitioner is in custody for a period of about 09 months and 28 days and is not involved in any other case. The conclusion of the trial is likely to take some time. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

01.08.2022
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(VIVEK PURI)
JUDGE