

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

**Sr. No.212**

**CRM-M-12395-2022**

**Date of decision: 19.09.2022**

Himanshu Vanshkar

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Saleem Ahmed, Advocate  
for the petitioner.

Ms. Sheenu Sura, 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.310 dated 17.07.2021 registered under Sections 363 and 366-A IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Dabua, District Faridabad.

The petitioner, who is a 19 year old boy, is being prosecuted for having enticed and then raped a minor girl.

Learned counsel for the petitioner contends that the petitioner is a 19 year old boy who has been falsely implicated in this case; he has no other criminal antecedents; the statement of the prosecutrix as recorded by her under Section 164 Cr.P.C absolves the petitioner of all the charges he is accused of; the prosecutrix has now accused the petitioner only under pressure of her parents; there is no injury found on the prosecutrix's person showing falsity in the prosecution's case; there is also no FSL report to support the prosecution's case; the petitioner is in custody since 30.07.2021; all material witnesses have since been examined in the petitioner's trial and that since in the petitioner's trial 18 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

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

The petitioner is a 19 year old boy; he has no other criminal antecedents; he is in custody since 30.07.2021; all material witnesses stand already examined in his trial; the prosecutrix's MLR shows no injury on her person and that since in the petitioner's trial 18 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, 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, Faridabad, 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.

**September 19, 2022**  
*Jyoti 1*

**(DEEPAK SIBAL)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |