

CRM-M-13549-2022

Date of decision: 11.05.2022

RITIK

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chanchal K. Singla, Advocate and
Ms. Kashish Sahni, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J. (ORAL)

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

Ritik-petitioner is seeking regular bail in the case bearing FIR No. 650 dated 18.10.2021 under Sections 366-A IPC, Section 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 and Section 3(2)(VA) of SC/ST [Scheduled Caste and Scheduled Tribe (Prevention of Atrocities)] Act, 1989 added later on and Sections 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, Section 3 (1)(w)(1) of SC/ST [Scheduled Caste and Scheduled Tribe (Prevention of Atrocities)] Act, 1989 were deleted registered at Police Station Gharaunda, Karnal.

Briefly, the FIR has been registered on the allegations that the petitioner (named as Rahul in the FIR) along with Sandeep, the co-accused had allured the victim aged about 17 years, 11 months and 20 days and taken her to Zaika Hotel, Gharaunda. They tried to lock her in the room of the hotel but the victim managed to escape.

Learned counsel for the petitioner contends that Sandeep, the co-accused has been found innocent during the course of investigation. The hotel record was taken into possession during the course of investigation and it never indicated that the petitioner had checked in the hotel along with the victim and furthermore, during the course of trial, the statement of the victim has been recorded and has not supported the prosecution version.

Learned State counsel has opposed the bail application on the score that there are specific and categoric allegations against the petitioner in the statement of the victim under Section 164 Cr.P.C.

Be that as it may, the prosecutrix during the course of trial has not supported the prosecution version. The petitioner is in custody for a period of 04 months and 17 days and is not involved in any other case. Moreover, the hotel record does not indicate that the petitioner had checked in along with the victim in the hotel on the day of occurrence. As such, sufficient mitigating circumstances are made out to extend the concession of the 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.

11.05.2022
renubala

(VIVEK PURI)
JUDGE

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