

CRM-M-48786-2021

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

(215)

CRM-M-48786-2021.
Date of Decision:-18.04.2022.

Rohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pradeep Duhan, Advocate for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.74 dated 01.04.2021 under Sections 354-D, 452, 506, 376/511, 376-D, 354-A and 34 IPC (Sections 376-D and 354-A IPC added later on) and Sections 4, 6/18 of POCSO Act, 2012 (Section 18 of POCSO Act, added later on and Section 12 of POCSO Act deleted later on), registered at Police Station Lakhan Majra, District Rohtak, Haryana.

As per the facts, the present FIR was lodged by the victim herself, wherein it was alleged that she is 14 years of age. Her parents are agriculturalist. On 15.03.2021, at about 10.30 p.m., when all were sleeping, she was studying, and when she went out for bathroom, then Naveen son Ranbir came to her house and forcibly did wrongful acts with her and threatened her to be killed in case she disclosed anyone about the same. Thereafter, on 31.03.2021 Naveen along with his two friends Sonu son of Pappu and Rohit son of Haripal entered into her house. Naveen tried to do wrongful act with her and on her shouting, her mother and uncle awakened. Resultantly, all three fled away. FIR was lodged to take legal action against the culprits. Thereafter, investigation commenced. The

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statement of the prosecutrix was recorded under Section 164 Cr.P.C. on 02.04.2021. The petitioner was arrested on 05.04.2021. He approached the Court of learned Additional Sessions Judge-POCSO Court at Rohtak for grant of bail. After hearing the parties, the learned Additional Sessions Judge declined the same vide his order dated 25.10.2021. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. He submits that from the bare reading of the FIR, it transpires that the petitioner along with main accused Naveen and Sonu entered the house of the prosecutrix on 31.03.2021. He submits that on the lodging of the FIR, the statement of the prosecutrix was recorded under Section 164 Cr.P.C., wherein the victim has deposed that the wrong act was committed by Naveen. Rohit (petitioner) and Sonu were standing outside. It was Naveen who jumped the wall of the house of the prosecutrix. He submits that the during the course of trial, the prosecutrix and her mother were examined. He submits that the allegations against the petitioner were again reiterated to the extent that the petitioner remained outside the house of the prosecutrix. He further submits that the mother of the prosecutrix was examined as PW-1. It was deposed that she did not know the accused Rohit (petitioner) and Sonu. He submits that the co-accused Sonu has already been enlarged on bail by his Court vide order dated 09.02.2022. He submits that the case of the petitioner is at par with that of Sonu and hence, the petitioner deserves to be enlarged on bail.

Learned State counsel, on the other hand, has opposed the prayer made by learned counsel for the petitioner and has submitted that specific allegations have been leveled against the petitioner. He submits that out of 20 prosecution witnesses, 5 have already been examined including the victim and the mother of the victim. He submits that the victim has supported the case of the prosecution. However, he candidly acknowledges the role of the petitioner is at

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par with that of Sonu who has already been granted bail.

Heard.

The petitioner has been attributed the role along with the co-accused Sonu. From the arguments raised and perusal of the record, it is apparent that the case of the petitioner is at par with that of Sonu, who has already been granted bail by this Court.

This Court would refrain itself from going in the merits of the case, however, keeping in view the above facts and circumstances and the fact that the co-accused Sonu, who is similarly situated, has already been granted regular bail, this Court finds that the learned counsel for the petitioner has succeeded in making out a case for grant of regular bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

April 18, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No