

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

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**CRM-M No. 5931 of 2023
Date of Decision : 27.3.2023**

*Mandeep alias Sandeep**..... Petitioner**versus**State of Haryana**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vikas Bishnoi, Advocate, for the petitioner

Ms. Ankita Ahuja, AAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.34 dated 23.4.2022 under Sections 376 (2)(n), 450 and 506 IPC and Section 6 of POCSO Act, 2012, registered at Women Police Station, Hansi, District Hisar.

2. The FIR was lodged on a statement made by victim's mother that her daughter, aged about sixteen years, told her that on 16.4.2022, at about 2:00 a.m., the petitioner entered their house. Her husband and son were sleeping outside in the courtyard, and the victim/daughter was alone in the room. The complainant had gone to her parents. The petitioner entered the room, gagged her daughter's mouth and committed bad act with her. Earlier also he had done so with her. The petitioner had threatened to kill her daughter as well as her father and brother, in case she did not submit to his wishes.

3. Learned counsel for the petitioner contends that the allegations on the face of it are not believable, as at the time of alleged incident victim's father and brother were statedly sleeping outside the room in the courtyard only.

Besides, there were no injuries on victim's body as per the MLR. It is further submitted that the two were known to each other, and the relations were consensual. The petitioner is eighteen years old, and in custody since 26.4.2022. Investigation of the case is already over.

4. Learned State counsel, on instructions from ASI Prem Nath, opposes the grant of bail by submitting that the prosecutrix has been examined and supported the prosecution version. The remaining fifteen witnesses will also be examined soon. The trial is now fixed for examination of mother/complainant on 18.4.2023. The victim was a minor, therefore, the offences alleged are clearly made out against the petitioner. It is not denied that there is no other case against him.

5. The submissions made by learned counsel for the parties have been considered.

6. Culpability of the petitioner is a matter of trial, which will take a long time to conclude as fifteen prosecution witnesses are still to be examined. The petitioner is a young boy of eighteen years, and has no criminal antecedents. Therefore, no useful purpose will be served by confining him to custody during trial.

7. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

27.3.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No