

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

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**CRM-M No. 16714 of 2023
Date of Decision : 17.4.2023**

*Ravi**..... Petitioner**versus**State of Haryana**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Kusum Raj, 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.21 dated 18.2.2021 under Sections 120-B, 344 and 376-D and Section 6 of POCSO Act, registered at Women Police Station, District Karnal.

2. The FIR was lodged about two years after the commission of the alleged offence by the complainant/victim, aged eighteen years, alleging that she was enticed away and forcibly confined to a room, and raped by the petitioner and the co-accused.

3. Learned counsel for the petitioner has contended that both, the victim as well as her husband, have not supported the prosecution version during their testimonies before the trial Court. There is no medical or scientific evidence on police file to substantiate the allegations against the petitioner, and in similar circumstance, the co-accused Ankit has already been admitted to regular bail by the trial Court vide order dated 25.6.2021.

dispute the facts submitted by learned counsel for the petitioner, who is in custody since 26.3.2021, and there is no other case pending against him. She submits that five prosecution witnesses still remains to be examined.

5. The submissions made by learned counsel for the parties have been considered. The complainant/victim herself, as well as her husband, have not supported the prosecution version. The trial is still going on and will take some time to conclude. No useful purpose will be served by confining the petitioner to custody any longer, he is in custody for more than two years, and has no criminal antecedents. It is, therefore, deemed appropriate to grant him bail.

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

(TRIBHUVAN DAHIYA)
JUDGE

17.4.2023
Ashwani

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