

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

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**CRM-M No. 18076 OF 2023
Date of Decision : 21.4.2023**

*Kalu @ Vikram**..... Petitioner**versus**State of Haryana**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rakesh Nagpal, 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.201 dated 14.6.2022 under Section 365 IPC (Sections 363, 366-A, 376 (3), 376 (2)(n) IPC and Section 6 of POCSO Act added later on), registered at Police Station Barauda, District Sonapat.

2. Learned counsel for the petitioner contends that during trial the victim, her parents and uncle have been examined, and none of them have supported the prosecution version. The complainant has, in fact, stated that date of birth of the victim is 4.9.2003, which makes her more than eighteen years of age at the time of alleged incident.

4. Learned State counsel on instructions opposes the grant of bail by contending that trial of the case is going on and five out of twenty five witnesses have been examined. As per school record, the victim was born on 4.9.2006 and was minor at the time of alleged occurrence. The petitioner is in custody since 10.7.2022, and no other case is pending against him.

considered. The material prosecution witnesses, including the victim herself and her parents, have already been examined. Twenty more witnesses are to be examined. Different versions about the victim’s age have also come on record. Culpability of the petitioner is a matter of trial, which will take some time to conclude. The petitioner is in custody since 10.7.2022 and has no criminal antecedents. Therefore, no useful purpose will be served by confining him to custody any longer. In view thereof, it is deemed appropriate to admit him to bail.

7. 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

21.4.2023
Ashwani

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