

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

209+105

**CRM No.22737 of 2023 in/and
CRM-M No.22274 of 2023
Date of Decision : 18.5.2023**

Abhimanyu

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Ishita Jain, Advocate, for
Mr. Namit Khurana, Advocate, for the petitioner

Ms. Mahima Yashpal, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

CRM No.22737 of 2023:

Application is allowed. Offence under Section 6 of the POCSO Act, 2012, be read as the part of head note of the petition.

CRM-M No. 22274 of 2023:

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.374 dated 8.8.2022 under Sections 346, 363 and 366 IPC and Sections 4 and 6 of POCSO Act, 2012, registered at Police Station Sector 17, HUDA, Jagadhri, District Yamuna Nagar.

2. The FIR was lodged by the victim's father on the allegations that his daughter, aged eighteen years, was missing from home. It was apprehended that the petitioner had taken her away.

3. Learned counsel for the petitioner contends that the petitioner

is a young boy of twenty years, and the victim willingly accompanied him. In her statement under Section 164 Cr.P.C. she did not level any allegation against the petitioner. And in her statement before the Child Welfare Committee also, it was stated that she willingly accompanied the petitioner. At the time of her medical examination also, she did not allege commission of rape by him. The allegations were levelled subsequently only under coercion of her parents. The petitioner is in custody and the victim as well as the complainant have already been examined.

4. Learned State counsel, on instructions from L/ASI Kiran, submits that the victim as well as the complainant in their testimonies have supported the prosecution version. The victim was seventeen years and ten months old. Learned counsel, however, does not dispute different statements made by the victim before different authorities, as mentioned in submissions made by learned counsel for the petitioner. She further submits that five out of sixteen prosecution witnesses have been examined. There is no other case against the petitioner, who is in custody since 12.8.2022.

5. The submissions of learned counsel for the parties have been considered. There are different versions of the alleged incident by the victim, who was about eighteen years old at the time of lodging the FIR. Besides, the petitioner is a young boy having no criminal antecedents. Material prosecution witnesses, victim and the complainant, have already been examined. Trial of the case will take some time to conclude as eleven more witnesses are to be examined, who all are officials.

Therefore, there is no apprehension of the petitioner influencing them, and

no useful purpose will be served by confining him to custody any longer.

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

18.5.2023
Ashwani

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