

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

211

CRM-M-29091-2022

Date of Decision:-09.05.2023

RAHUL KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.Rishu Mahajan, Advocate
for the petitioner

Mr.Pankaj Khullar, AAG Punjab

ALOK JAIN, J. (Oral)

1. Prayer is for grant of regular bail to the petitioner in case FIR No.02 dated 02.01.2022, under Sections 363,376 and 506 IPC and Sections 3/4 of the POCSO Act, registered at Police Station Mehatpur, District Jalandhar.

2. Learned counsel for the petitioner submits that the entire FIR is a concocted story and does not have any dearth of truth. He submits that in fact, the victim and the petitioner were neighbours having adjoining shops and it is only on account of celebrating the New Year Eve that the victim had gone out with the petitioner. He relies upon the statement made by the victim under Section 164 Cr.P.C. before the Court below, wherein she specifically states that the petitioner did not make any physical relations with her. The said fact is corroborated by the medico legal report also.

3. Learned State counsel submits that all the material witnesses i.e. 04 out of 17 witnesses have been examined.

4. After hearing learned counsel for the parties and the fact that the petitioner is a young boy of 21 years old and is in custody since 02.01.2022, coupled with the fact that all the material witnesses have been examined and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

5. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
 2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
 3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
 4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.
6. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.
7. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

09.05.2023

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