

Date of decision: 25.09.2023

...PETITIONER

STATE OF HARYANA

...RESPONDENT

Present: Mr. Gaurav Grover, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

1. Custody certificate of the petitioner has been placed on record.
2. Sachin-petitioner is seeking regular bail in the case bearing FIR No.155 dated 29.10.2021, under Sections 365/452/506/37(2) IPC under Section 6 (subsequently added) of POCSO Act, registered at Police Station Bapoli, Panipat, District Panipat.

2. Briefly, FIR has been registered on the allegations that the victim is aged about 16 years. The petitioner is the cousin of the victim and residing in the neighbourhood. He scaled the wall of the house of the victim, when everyone was sleeping, gagged her mouth, carried her on the roof top and committed wrong act with her.

3. Learned counsel for the petitioner contends that in the statement under Section 164 Cr.P.C, the victim has improved the version stating that some sleeping pills were administered to her by the petitioner by mixing the same in the tea. Moreover, the FIR has been lodged after a delay of 05 days and the victim had refused to get herself medico legally examined. The statement of the victim has also been recorded during the course of trial. The petitioner is in

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custody for a period of 01 years, 10 months and 23 days and is not involved in any other case.

4. On instructions from SI Krishan Lal, learned State counsel submits that out of 11, 06 witnesses have been examined. The victim has supported the prosecution version during the course of trial but during the course of investigation, she had refused to get herself medico legally examined.

5. In the instant case, the statement of the victim during the course of trial has been recorded. As such, it cannot be said that the petitioner can in any manner win over or influence the victim. There is a delay of 05 days in lodging the FIR. Even, the victim had refused to get herself medico legally examined. 05 more witnesses still remain to be examined. The petitioner is in custody for a period of 01 years, 10 months and 23 days and not involved in any other case. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

5. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

6. The petition is allowed accordingly.

25.09.2023
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(VIVEK PURI)
JUDGE

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