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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59338-2022

Date of Decision:- 25.01.2023.

VIKAS

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Robin Singh Hooda, Advocate
for the petitioner.

Ms. Deepshikha Chauhan Asst. A.G. Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Vikas has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.435 dated 05.08.2022 under Section 365 IPC (offence under Section 376, 366-A, 363 IPC, Section 84 of Juvenile Justice Act, 2015 and Section 4 of POCSO Act, 2012 added later-on) registered at Police Station Gohana Sadar, District Sonipat.

The facts of the case are that the complainant Krishan gave his statement that he is father of six daughters. On 05.08.2022, the victim aged about 16/17 years went to her school in the morning at about 08:00 A.M. and he received telephonic call at about 12:00 O'clock that she did not reach school. He searched for his daughter but could not locate her. Ultimately, the matter was reported to the police. The investigation was started. The victim was recovered on 06.08.2022. As per her version, on 05.08.2022 at 07:00 A.M, instead of going to her school, she reached Bus

Stand, Rohtak by bus. She was present at the gate of Bus Stand, Rohtak when one boy met her who was on bullet motorcycle. He introduced himself as an Army official. She accompanied him in a Government quarter, Jind. He committed rape with her and thereafter, she was boarded on a bus for Rohtak. On reaching Bus Stand, Rohtak, one old person Bijender told her to go to the police station but she refused. That night, she went to the house of Bijender and he left her at Police Post Titoli in the morning where her parents had reached.

Learned counsel for the petitioner argued that he is falsely implicated in this case. He has not committed any offence. He referred to the statement of victim recorded by the trial Court as Annexure P-2. The statement of father Annexure P-3 and statement of mother Annexure P-4 who have not supported the prosecution version and no allegation is levelled against him. A false FIR was got registered due to some misunderstanding. He is ready to abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

Status report is filed by the counsel representing the State. It is confirmed that the prosecution evidence is being recorded. The statement of victim as well as her parents have been recorded. However, there are specific serious allegations against the present petitioner. The motorcycle used in the occurrence was also recovered as per the disclosure statement of petitioner. The medical record is also on the file. The remaining witnesses are yet to be examined. Therefore, considering the gravity of offence, the petitioner is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. As per file, the statement of victim was recorded under Section 164 Cr.P.C. by the Magistrate on 06.08.2022 where the victim had

levelled specific allegations against the petitioner. However, after framing of charge, when the victim stepped into the witness box as PW-1, she did not levelled any allegation and was declared hostile. Her complete statement recorded before the trial Court is Annexure P-2. Similarly, the parents of the victim are also examined. Their statements are Annexure P-3 and P-4. Even they were declared hostile. The other witnesses are yet to be examined. The petitioner is in custody since 08.08.2022. Conclusion of trial may take long time. The trial Court will appreciate the evidence and the statements of witnesses at appropriate stage. As far now, considering the aforesaid facts, the regular bail application filed by the petitioner – Vikas is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

The petition is, accordingly, accepted.

25.01.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No