

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105+210

CRM-M-13613-2023 (O&M)
Date of decision: 12.01.2024

B

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. A.K. Khubbar, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

HARPREET KAUR JEEWAN , J. (ORAL)

CRM-40858-2023

The present application has been filed for placing on record the certified copies of statement dated 16.08.2023 of the father of the prosecutrix as Annexure P-9, statement of prosecutrix (K) as Annexure P-10 and statement of prosecutrix (D) as Annexure-P-11, which were recorded during the trial.

For the reasons mentioned in the application, the same is allowed.

Annexures P-9 to P-11 are taken on record subject to all just exceptions.

Office to tag the same at appropriate place.

Main case

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.167 dated 18.08.2022 registered under Sections 323, 328, 363, 366, 506 IPC and Section 6 of the POCSO Act, 2012 at Police Station Women Karnal, District Karnal.

2. The petitioner is facing trial in the present case, which has been registered at the instance of the complainant, with the allegations that the petitioner has committed rape upon the daughters of the complainant.

3. Report of Forensic Science Laboratory, Madhuban, Karnal qua the petitioner is submitted in Court today by the learned State counsel, which is taken on record.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case. The petitioner is in custody since 30.08.2022. Both the prosecutrix have not alleged any sexual assault against the petitioner in their statements recorded under Section 164 Cr.P.C. Even their statements have also been recorded during the trial where they have not stated anything against the petitioner. The Father of the prosecutrix has also not supported the prosecution case.

5. On the other hand, learned State counsel opposes the bail on the ground that the allegations levelled against the petitioner are serious in nature. However, on instructions from SI Ved Pal submits that investigation qua the petitioner is complete and challan has already been presented. He further submits that that there are total 21 witnesses out of which 5 witnesses have been examined.

6. Perusal of the file reflects that challan has already been presented and the petitioner is facing trial. The material witnesses have already been recorded, who have not supported the prosecution case. Statement of the father of the prosecutrix (Annexure P-9) and statement of the victims (Annexure-P-10 & P-11) reflect that they have not alleged anything incriminating against the petitioner. Even the Scientific examination was conducted by way of examination of the samples taken from both the victims with the samples of the petitioner. As per the

result given by the Scientific Officer, Madhuban, Karnal no common poison/drug has been detected in Exhibit 7 and 10. As per the medical examination, there is nothing incriminating against the petitioner.

7. Without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds/surety to the satisfaction of the trial Court/concerned Duty Magistrate, concerned.

(HARPREET KAUR JEEWAN)
JUDGE

12.01.2024
P.Bhatt

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