

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215+106

CRM-M-32260-2023 (O&M)
Date of decision: 02.05.2024

RAVI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Bikram Chaudhary, Advocate
for the petitioner.

Mr. Amrik Singh Narwal, DAG, Haryana.

HARPREET KAUR JEEWAN, J.

CRM-18853-2024

1. The present application has been filed for placing on record the statement of PW1 as Annexure P-4.
2. For the reasons mentioned in the application, the same is allowed.
3. Annexure P-4 is taken on record subject to all just exceptions.
4. Office to tag the same at appropriate place.

Main case

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.24 dated 16.02.2023 (Annexure P-1) under Sections 4 and 8 of the POCSO Act, 2012 registered at Police Station Women NIT, Faridabad, District Faridabad.
2. Custody certificate dated 01.05.2024 has been filed on behalf of the

respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 01 year 02 months and 13 days of actual custody.

3. Learned State counsel has submitted a report of the Regional Forensic Science Laboratory, Bhondsi (Gurugram) dated 31.03.2023 in the Court today, which is taken on record.

4. As per the prosecution case, the petitioner has committed penetrative sexual assault upon the prosecutrix, who is about 16 years old. The petitioner is alleged to be a cousin of the prosecutrix, who took her to a hotel and developed physical relationship against her wishes.

5. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 19.02.2023. He further contends that final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have also been framed. The petitioner is ready to face trial. He submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been made.

6. On the other hand, learned State counsel on instructions from concerned Investigating Officer has informed that investigation is complete; final report under Section 173 Cr.P.C. has been presented before the trial Court and charges have also been framed.

7. I have considered the contentions raised on behalf of the petitioner and the State. In the statement recorded under section 164 Cr.P.C (Annexure P-2), the prosecutrix has alleged that the petitioner is son of her maternal uncle. They had been talking to each other since September 2022. On 13.02.2023, they planned to meet. Thereafter, they went to a hotel, where the petitioner made physical relationship with her consent. She has further alleged that she made false

Aadhar Card showing her age to be more than 18 years as she wanted to do a job. As per Annexure P-4, the statement of the prosecutrix has been recorded, who has not supported the prosecution version. As per the FSL report dated 31.03.2023, no semen was detected in the vaginal swabs of the prosecutrix. As per the custody certificate, there is no history of other cases against the petitioner.

8. The statement of the prosecutrix has already been recorded during the trial, who has not supported the prosecution version. Investigation is complete; the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court and charges have also been framed.

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

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

10. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

02.05.2024
P.Bhatt

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