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PUNJAB AND HARYANA HIGH COURT

Before: Anil Kshetarpal, J.

CRM-M-33787-2020 (O&M)

Decided on: 03.11.2020

Sohit

Petitioner

Versus

State of Haryana

Respondent

Present:

Ms. Suman Sagar, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Protection of Children from Sexual Offences Act, 2012 (32 of 2012), Section 4 -- Indian Penal Code, 1860 (45 of 1860), Section 376, 342, 506, 120-B -- Section 4 -- Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- Rape with minor -- Regular bail -- Contention that FIR was registered due to misunderstanding and settlement has been arrived at -- As per the medico legal report, the prosecutrix did not suffer any internal or external injury -- AAG, has informed the Court that on the vaginal swabs also, no semen was detected -- Petitioner is in detention since 19.07.2020, on completion of the investigation, the challan has already been presented -- Without commenting on the merits of the case and keeping in view the aforesaid facts, direction given to release the petitioner on bail.

(Para 1-6)

ANIL KSHETARPAL, J. (ORAL) –

1. The petitioner prays for bail pending trial in a criminal case arising from FIR No.056, dated 18.07.2020, registered under Sections 376, 342, 506, 120-B of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Women Police Station District Jind, Haryana.

2. As per case of the prosecution, the prosecutrix was taken to a room by her female relative and subjected to penetrative sexual assault by the petitioner herein.

3. Learned counsel for the petitioner contends that the FIR was registered due to misunderstanding between the parties and now a settlement has been arrived at. She draws the attention of the Court to Annexure P-1. She further contends that as per the medico legal report, the prosecutrix did not suffer any internal or external injury.

4. Mr. Chetan Sharma, AAG, Haryana, has very fairly informed the Court that on the vaginal swabs also, no semen was detected.

5. The petitioner is in detention since 19.07.2020. On completion of the investigation, the challan has already been presented.

6. Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioner is directed to be released on bail on his

furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

7. Accordingly, the present petition is allowed.

Petition allowed.



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