

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No.M- 34012 of 2015
Date of decision : 10.02.2016**

Vicky @ Sajjan Kumar

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arjun Lakhanpal, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Chand Ram Ola, Advocate
for the complainant.

ANITA CHAUDHRY, J.

This is the third petition filed by the petitioner seeking regular bail in FIR No. 338 dated 04.06.2015, registered under Sections 363, 366(A) IPC and Section 6 of POSCO Act, Police Station Sadar Fatehabad, District Fatehabad.

Heard.

The counsel for the petitioner urges that the petitioner had got married to the prosecutrix and they had approached the High Court for protection. He refers to Annexure P-2 and urges that the girl was major and she has made a statement in his favour in

the Court. The counsel has referred to the statement made by the girl to point out that the date of birth given by the girl was 15.10.1996 and Annexure P-6 being relied by the prosecution gives the father's name as Mohar Singh while the name of the father of the prosecutrix is Mehar Chand. The counsel further urges that the petitioner was arrested on 13.06.2015 and the trial would take time. With respect to the earlier conviction, the counsel has placed on record the order dated 13.02.2015 to show that the petitioner had been allowed bail in the other case.

The bail petition is opposed by the complainant as well as the State. It has been urged that the girl is under 18 and the petitioner is a habitual offender and he has been convicted in a gang rape in 2013 and as per the matriculation certificate, which carries more weight, the date of birth of the girl recorded therein is 15.10.1997.

The petitioner has been convicted for gang rape in 2013, though presently he is on bail in that case. The age of the prosecutrix is disputed. Only the prosecutrix has been examined. The record reveals that the prosecutrix was sent to the Nari Niketan vide order dated 01.07.2015. Considering the entire circumstances, I am not inclined to grant bail.

The petition is dismissed.

10.02.2016
sunil

(ANITA CHAUDHRY)
JUDGE