

**104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-24651-2017

Date of decision-13.07.2017

Bhinder @ Mohinder Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.Puneet Kumar Bansal, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.220 dated 24.09.2016 registered under Sections 376 of Indian Penal Code at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel refers to Annexure P-2 which is statement of Dr.Sheba Hayat who medically examined the prosecutrix to contend that there is no conclusive evidence of rape upon the victim. He further refers to the queries put by the doctor with regard to the incident where the prosecutrix has replied in a very evasive manner.

I have heard learned counsel for the petitioner and have gone through the case file.

The victim is of tender age of 14 years. The medical evidence on the trial indicates that assault/rape was committed upon the prosecutrix. There is hostility between the families. However, Court is not impressed by the statement made by learned counsel.

Keeping in view the tender age of the prosecutrix; nature and gravity of offence and the fact that the present FIR was registered on 24.09.2016, the petitioner has successfully evaded the process of the Court, no case for grant of concession of anticipatory bail is made out. This Court feels that it is a fit case where custodial interrogation of the petitioner is required to unearth the truth.

Consequently, the application for grant of pre-arrest bail stands dismissed.

Anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

July 13, 2017
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No