

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38660 of 2016
Date of Decision: 02.02.2017

Pawan Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.S.S.Gill, Advocate for the petitioner.

Ms.Mahima Yashpal, AAG, Haryana.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure for anticipatory bail to the petitioner in case FIR No.32 dated 09.07.2016 for the offence under Sections 323, 328, 452 IPC and Section 10 of POCSO Act, 2012, P.S.Women, Police Station Kurukshetra.

Vide order dated 29.11.2016, learned counsel for the petitioner had submitted that the instant FIR as registered was nothing but an abuse of the process of law and in fact that complainant and her daughter had raised similar allegations against other residents of the village as well. In one such case a compromise was effected which was appended as Annexure P-4 on the record and complaint has also been placed on record as Annexure P-2 which was made by the complainant-Santosh and her daughters Laddo and Raj Rani on 30.07.2016 with regard to the incident on 06.07.2016. The State was directed to file status report/detailed affidavit.

Today, reply has been filed by learned State counsel on behalf of

respondent/State of Haryana, the same is taken on record.

It is stated in the reply/affidavit that after receiving the complaints, (Annexure P-2), an inquiry was conducted and thereafter, FIR No.32 dated 09.07.2016, for the offence under Section 323, 328, 452 IPC and Section 10 of POCSO Act was registered at Women Police Station, Kurukshetra, was registered. After registration of the case, investigation was carried out by the police and the statement of the victim was got registered under Section 164 Cr.P.C. and all the allegations against the petitioner and co-accused were found cogent. The accused Arvind, Gobind and Babloo were arrested on 15.07.2016 and they were produced before the Illaqa Magistrate. After completing the investigation in respect of the above named accused, challan was presented before the Illaqa Magistrate and charges have been framed against the above named accused. Four prosecution witnesses, out of total 11 prosecution witnesses have been examined. It is further submitted in the reply that as far as petitioner is concerned, he is not cooperating with the police as the search of the petitioner was made at his house and other known places but he did not find any where. Thereafter, two times, the warrant of arrests of the petitioner were got issued from the Illaqa Magistrate but he threatened the victim and said her to compromise the matter otherwise he would kill her. The petitioner had also moved an application for anticipatory bail before the learned Court of Addl.Sessions Judge, Kurukshetra but the same was dismissed. It is further submitted in the reply that as the petitioner is no cooperating with the police and is absconding and is threatening the victim, the petitioner is not entitled for grant of relief of anticipatory bail.

In paragraph-4 of this reply it is stated that the mother of the

on the basis of the said complaint, the petitioner and co-accused Arvind challaned under Section 107/151 Cr.P.C . As far as the alleged compromise of the sister of the complainant and her mother with Surajpal, Manoj, Ram Bhajan is concerned, the same was denied for want of knowledge because as per record of Police Post, no alleged compromise was ever arrived at.

In the present case, the affidavit does not contain the fact that complainant and her daughter had raised similar allegations against other residents of the village as well.

Keeping in view the above, the petitioner is not entitled for granted of anticipatory bail and the present petition is dismissed as such.

(RITU BAHRI)
JUDGE

02.02.2017
anil

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