

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-41819 of 2016(O&M)
Date of Decision: 20.2.2017

Ved Parkash alias Veddu

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Manu Loona, Advocate
for the petitioner

Mr. Ankur Jian, AAG, Punjab assisted by
Mr. J.S.Grewal, Advocate
for the complainant

Rekha Mittal, J.

CRM No. 4724 of 2017

Allowed as prayed for.

Annexure P-4 is taken on record subject to just exceptions.

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The petitioner prays for grant of regular bail in FIR No. 77 dated 12.7.2015 registered at Police Station, Khuian Sarwar, District, Fazilka for offence punishable under Sections 376, 354, 451 of the Indian Penal Code (in short "IPC") and Section 3/4 of the Protection of Children from Sexual Offences Act, 2012 (in short "the Act").

Counsel for the petitioner has submitted that father of the petitioner lodged FIR No. 36 dated 5.6.2013 for offence punishable under Sections 363, 366-A, 376, 120-B IPC registered at Police Station, Khuhian

Sarvar, District Fazilka against one Kalu Ram with regard to rape committed upon his daughter. It is further submitted that Surinder Kumar father of the present prosecutrix approached Sh. Pirthi Raj complainant of FIR No. 36 dated 5.6.2013 for compromise of the dispute but Pirthi Raj did not agree with the same and due to which father of the prosecutrix of the present case nursed a grudge and for that reason he lodged the present false FIR against the petitioner. It is further submitted that the petitioner is in custody since 15.7.2015 and conclusion of trial is likely to take its own time.

Counsel for the State assisted by counsel for the complainant would urge that keeping in view gravity of allegations against the petitioner coupled with the factum that the prosecutrix is yet to be examined in the case, it is not a fit case wherein the petitioner deserves to be released on bail.

I have heard counsel for the parties, perused the paper book and the police file.

The petitioner is indicted for committing offence of rape as well as offence punishable under Section 4 of the Act as the alleged victim is stated to be 13-14 years old. Plea of the petitioner with regard to Surinder Kumar having approached father of the present petitioner in respect of FIR No. 36 dated 5.6.2013 lodged against one Kalu Ram does not get substantiated from any materials on record. This apart, it is also not clear as to what is the relationship of Surinder Kumar father of the prosecutrix with said Kalu Ram indicted in FIR No. 36 dated 5.6.2013. The prosecutrix is yet to be examined in the case. Taking into

consideration gravity of allegations, the petitioner cannot be allowed benefit of bail merely because he is in custody for quite sometime. It is pertinent to mention here that even as per report of chemical examiner with regard to two vaginal swabs, spermatozoa is detected in the contents of Exhibit I. In view of the above, the petition fails and is accordingly dismissed. However, the trial court shall put its best efforts to conclude prosecution evidence expeditiously.

Nothing stated hereinbefore shall be construed as an expression of opinion on merits of the case.

(Rekha Mittal)
Judge

20.2.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No