

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

CRM-M-14383-2018

Date of Decision: 27.08.2018

Rajesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Mohit Garg, Advocate
for the petitioner.

Ms. Mahima Yashpal, A.A.G., Haryana.

ANITA CHAUDHRY, J

This is the second petition filed by the petitioner in FIR No.106 dated 27.01.2017 registered under Sections 354-A, 506 IPC and Section 4 of POCSO Act, 2012 at Police Station Sector-5, Gurgaon, District Gurugram.

A copy of the order passed on the first application shows that the Court had given its mind and was dismissing the bail application when the petition was withdrawn on 22.09.2017.

Counsel for the petitioner contends that the petitioner is in custody since January, 2017. Counsel further contends that the date of occurrence is not disclosed in the FIR and the victim had denied her statement and was giving different incidents before the Court and it was she, who had given a message to Rajesh at night and it was a case of consent and semen was not detected in the FSL report.

Learned State counsel has opposed the application and urges that the victim was just 14 years old and she had been violated and there is a reference to the molestation in the FIR and semen could not be detected as the FIR was lodged late but the girl had been violated which is evident from the MLR.

The allegations against the petitioner are serious. The victim is 14 years old. There is no dispute about the identity. The question whether it was a case of consent has to be considered by the trial Court.

No case for bail is made out, however as the petitioner is in custody since January, 2017, the trial Court is directed to expedite the trial and complete it within 4 months from the receipt of this order.

The petition is dismissed.

August 27, 2018
ps-I

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No