

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-27117 of 2018
Date of decision : November 01, 2018

Karan Singh @ Karan

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. V.K.Sandhir, Advocate, for the petitioner
Ms Samina Dhir, DAG, Punjab for the State
Mr. Upender Prashar, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

This order shall dispose of first regular bail application under Section 439 of the Code of Criminal Procedure of accused-petitioner Karan Singh @ Karan moved in FIR No. 52 dated 24.2.2018, under Sections 363/366/376 IPC read with Section 4 of the Protection of Children from Sexual Offences Act, 2012, Police Station A Division, Amritsar.

The present case was got registered by Raj Kaur mother of the prosecutrix a girl aged around 16 years, alleging that her daughter was studying in 10th class in Government Senior Secondary

School and that the accused who is aged 20 years has enticed and taken her away. In spite of their best efforts they could not locate her leading to the registration of the present case and arrest of the petitioner on 21.3.2018.

Mr. V.K. Sandhir counsel for the petitioner submits that in her stand taken under Section 164 Cr.P.C., the prosecutrix has not levelled direct allegations of rape against the petitioner and that there is delay of 4 days in lodging of FIR and that the medico legal examination of the girl has come about after 4 days of the alleged occurrence and thus prayed for grant of bail on the grounds that prima facie no case is made out against the petitioner.

On behalf of the State Mr. Munish Sharma, AAG, Haryana assisted by Mr. Upender Prashar, counsel for the complainant has sought to oppose the grant of bail on the ground of seriousness of allegations submitting that the girl is a minor and in view of the medical evidence which clearly and substantially suggest that she was ravished does not call for the grant of bail.

Going through the submissions of the two sides, admittedly the girl is around 16 years of age and though has been recovered on the same very day and the medico legal examination has taken place on 24.2.2018 when the FIR was registered on the statement of the mother of the girl. The statement under Section 164

Cr.P.C. clearly suggests that something ill has happened with the girl though not elaborated to an extent. It would not be worth while to comment here over the manner in which the learned court below has recorded the statement under Section 164 Cr.P.C. is in itself suggestive of the necessary procedure which ought to have been taken in recording such a statement. The medical evidence brought on the record and her statement under Section 164 Cr.P.C. are suggestive of the same. Keeping in view the heinousness of crime and seriousness of allegations does not call for grant of bail. The bail application is dismissed.

November 01, 2018
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>