

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 30844 of 2018 (O&M)

Date of decision : 28.9.2018

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Udayveer

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Inderpal Singh Issar, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner – Udayveer, an accused in FIR No.3, dated 10.1.2017, for offences under Section 506 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women, Panchkula.

Briefly stated, facts of the case as per the prosecution story are, that prosecutrix (name withheld to conceal the identity) aged about 9 years, daughter of sister of complainant Seema w/o Ramesh r/o village Saketeri, Near Gurdwara, Panchkula, had been

residing with them. On 9.1.2017 petitioner accused Udayveer went to the house of the complainant and had forcible sexual intercourse with the prosecutrix and he threatened to kill her. On the basis of the statement of the complainant Seema, formal FIR in the matter was recorded and the investigation in the case started.

Statement of prosecutrix was recorded under Section 164 Cr.P.C. She was medico legally examined. The accused was arrested in this case.

After completion of investigation and other formalities, challan against the accused was filed in the Court. The trial against him is going on. Out of 17 PWs cited by the prosecution, it has examined 10 PWs so far.

The accused had moved an application for regular bail to the Court of Sessions, which was assigned to Additional Sessions Judge, Panchkula, who vide order dated 3.5.2018 dismissed the application, as such the petitioner has approached this Court with the similar prayer for grant of regular bail, by moving the present petition, which is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

The allegations against the petitioner are very grave and serious of trespassing in the house of the complainant and committing sexual intercourse with her minor niece aged about 9 years, giving her a horrible nightmarish experience, which she is not likely to forget for the rest of her live. The petitioner comes out to be a sex maniac, who needs to be dealt with sternly. If granted bail, there is every likelihood

of his committing similar acts with innocent minor girls, ruining their lives. Furthermore, there are chances of his absconding even. The trial against him is at advanced stage, which is likely to be concluded in near future.

Under the facts and circumstances of the case, there is no ground to grant regular bail to the petitioner. The petition in that regard stands dismissed.

28.9.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No