

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

CRM-M-31129-2018

Date of decision:-12.10.2018

Mohanjeet alias Monu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Amit Kumar, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner –
Mohanjeet alias Monu – an accused in FIR No.98 dated 7.5.2018, under
Sections 346, 363, 366-A IPC and Section 6 of POCSO Act, registered at
Police Station Sadar, Narwana, District Jind.

Briefly stated, the facts of the case, as per prosecution story
are that Rajbir son of Paras Ram, resident of Bhana Brahmin had
submitted an application at Police Station Sadar, Narwana on 7.5.2018

submitting therein that his daughter the prosecutrix aged about 17 years (name not being mentioned to conceal her identity and referred to as '*the prosecutrix*') had gone to sleep after taking dinner and on the next day in the morning at 5:00 a.m., she was not found present on her bed; that all the attempts to locate her proved futile and further action be taken.

On the basis of such written complaint, formal FIR was registered. Investigation in the case started. On 13.5.2018, the prosecutrix was recovered from bus stand Khanori (Punjab). Her statement under Section 164 Cr.P.C. was got recorded from JMIC, Narwana, wherein she stated that she had solemnized marriage with Mohanjeet alias Monu accused on 9.5.2018 and she wanted to reside with him and did not want to go with her parents. She was brought to General Hospital, Narwana for medical examination but she refused to get herself medically examined. On the same day, she was produced before Child Welfare Committee, Jind and her counselling was done. Accused Mohanjeet alias Monu was arrested in this case on 14.5.2018. The prosecutrix was joined in investigation on 15.5.2018, wherein she stated that she is a minor and accused had sex with her four times. After completion of investigation and other formalities, challan was filed against the accused and now the matter is pending trial. The statement of the prosecutrix has been recorded, wherein also she has not supported the prosecution story. The petitioner/accused had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Jind vide order dated 11.6.2018, as such, he has approached this Court with the same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Though the prosecutrix had taken a stand before the police that she had gone with the petitioner/accused of her own and had married him seeking protection from this Court but then the fact remains that the prosecutrix is a minor and the consent of a minor is no consent in the eyes of law. The petitioner had taken a minor girl from the custody of her parents, married her and had sexual intercourse with her committing cognizable offences for which he is being tried. The challan against the petitioner has since been filed and the trial is going on. His guilt shall be determined during the trial. Along with the gravity and seriousness of allegations against the petitioner, there is apprehension of his trying to tamper with the prosecution evidence and even to abscond, if granted bail. The trial against the petitioner is likely to be concluded in near future.

Therefore, finding no merit in the petition, the same stands dismissed.

12.10.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No