

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 34845 of 2018 O&M)

Date of decision : 11.10.2018

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Sabbir

.....Petitioner

vs.

State of Haryana

.....Respondent

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

Present: Mr. Satnam Singh Thakur, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This petition for regular bail has been filed by petitioner Sabbir, an accused in FIR No. 531, dated 18.7.2018, for offence under Section 8 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Sadar, Gurugram, District Gurugram.

Briefly stated, facts of the case as per the prosecution story are that on 18.7.2018, at about 1' O clock, while the prosecutrix (name withheld to conceal the identity), a minor girl, was playing with the child of her sister, at that time accused Sabbir, working in a shop at village Jhanrsa, came there and enquired from the prosecutrix

the place where she was working. The prosecutrix informed him accordingly. Then Sabbir said that the services of a girl are required in a kothi and if she wanted, he would show her that kothi. Accordingly, prosecutrix went with him. The accused took her to a room on second floor and there he raped her by giving threats to kill her and her family, He had threatened the prosecutrix when she tried to protect herself and to raise alarm. Thereafter he left her at a place. Initially the prosecutrix did not inform anybody. Subsequently, she disclosed the incident to her family members. Then the matter was reported to the police. Formal FIR was recorded and investigation in the case started. The accused was arrested in this case on 18.7.2018.

The accused had moved an application for regular bail to the Court of Sessions, which was assigned to the Court of Additional Sessions Judge, Gurugram, who vide order dated 31.7.2018, dismissed the same, as such he has approached this Court, by way of filing the present petition praying for similar relief, which is being opposed by learned 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 taking a minor girl to his place by making misrepresentation to her and then having sexual intercourse with her, giving her a horrible and nightmarish experience and in addition to that giving threats of eliminating her and her family.

According to counsel for the petitioner, the prosecutrix has given an affidavit on 25.7.2018 stating that she had filed the FIR

under the pressure of her family and that as a matter of factg she was having friendly terms with the accused and that the petitioner has not committed any rape upon her.

However, I am not impressed by this contention. After lodging the FIR, the prosecutrix furnishing any such type of affidavit, the authenticity of which is yet to be established, does not make any sense. Statements of the prosecutrix and other material witnesses are yet to be recorded. If the petitioner is granted regular bail, there are fair chances of his trying to tamper with the prosecution evidence and even absconding. The allegations against him are very grave and serious. Therefore, no ground for grant of bail is made out.

Finding no merit in the petition, the same stands dismissed.

11.10.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No