

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

CRM-M No.42259 of 2018 (O&M)
Date of decision: 20th December, 2018

Mukesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Lajpat Sharma, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

Mr. Amardeep Sheoran, Advocate for the complainant.

FATEH DEEP SINGH, J.

This order shall dispose off first regular bail application of accused petitioner Mukesh filed under Section 439 Cr.P.C. in case bearing FIR No.231 dated 10.10.2017 under Sections 376, 354-C, 452, 506, 201, 34 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Kalayat, District Kaithal.

The brief facts brought to the notice of this Court are that the present case was got registered by a girl aged around 17 years alleging that the petitioner who happens to be their neighbour, two years prior to the registration of the case, had been ravaging her against her wishes and on 08.10.2017 in the evening while the prosecutrix was in the bathroom, the accused petitioner is alleged to have trespassed into their house and

tried to force upon the minor girl and on raising of noise, her family members were attracted. Upon registration of the present case, the petitioner was arrested on 08.10.2017.

Learned counsel for the petitioner Mr. Lajpat Sharma, Advocate has argued that it was a quarrel between the two neighbours over a petty issue and which has been given the tinge of sexual assault, arguing that the petitioner is behind bars since more than one year and that the trial is not likely to conclude in the near future. It is further submitted that there is no medical evidence to substantiate the allegations of the prosecution.

Learned State counsel Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana assisted by Mr. Amardeep Sheoran, Advocate learned counsel representing the complainant have opposed the grant of bail on the grounds of heinousness of the offense alleging that the petitioner had ravaged a minor girl in the neighbourhood and even in her statement under Section 164 Cr.P.C. the girl has corroborated the allegations and she has been found to be impregnated and there is definite sign of intercourse as per the MLR.

Appreciating the submissions of the two sides, it is admitted that the victim is a minor girl living in the neighbourhood of the petitioner. The medico legal examination report shows a positive sign of

intercourse with the girl, the victim of this crime. The girl in her statement before the police and the one recorded under Section 164 Cr.P.C. has materially supported the stand of the prosecution. Merely because no injuries are detected on her person when she was ravaged is not illustrative that no offence has been committed. In view of the heinousness of the offense and seriousness of allegations, no ground for grant of bail is made out. The petition being without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

December 20, 2018
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No