

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

**Crl. Misc. No.M- 43234 of 2018 (O&M)
Date of decision : 22.10.2018**

Wahid Raja @ Kalu

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Syed Irfan Alam, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

ANITA CHAUDHRY, J.(ORAL)

This petitioner is seeking regular bail in FIR No. 492/2017, registered under Sections 363, 366-A, 368, 372, 373, 344, 506 IPC, Sections 4/6 of the POCSO Act and Sections 3/4/5 & 6 of the ITP Act, Police Station Surajkund, District Faridabad.

Counsel for the petitioner contends that the petitioner is in custody since 28.05.2018 and it was a false case and the prosecutrix was used to running away from home and the allegations against him are that he was a customer. The counsel further submits that another FIR in Delhi was lodged by the brother and the girl is not a minor and she is over 25 years and the statement of the victim and her father has been recorded in the trial.

The counsel says that there is a delay in lodging the FIR and initially the girl had left home in April 2017 and then she returned and again went missing and after 3 – 4 days the FIR was lodged. The counsel submits that the girl was recovered from the custody of a woman. The counsel refers to Annexure P-4 to show that the prosecutrix was married and she was sent to Pryas in Delhi and she had made a statement there that she did not want to return to her parents.

The State counsel urges that the victim was a minor and she has been examined and she has made allegations of rape against the petitioner and 14 witnesses out of 22 have been examined and some witnesses have been given up and only five witnesses remain and the Court has fixed two dates in this month for completion of evidence.

Whether the victim was a minor or a major is a question which is not to be decided here. It is for the trial Court to examine the evidence led before it. The victim had given her age to be under 18. The victim has made allegations of repeated rape. The trial is going at a fast pace. The allegations are serious. No case for bail is made out.

The petition is dismissed.

22.10.2018
sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No