

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-43244 of 2018

Date of Decision: 22.10.2018

Mohd. Kalam

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Devjyoti Dey, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 492/2017 dated 9.7.2017 registered at Police Station Surajkund, Faridabad under Sections 363, 366-A, 368, 372, 373, 344, 506 IPC, Section 4/6 of POCSO Act and Section 3, 4, 5 and 6 of ITP Act, 1956.

Counsel for the petitioner contends that petitioner is in custody since 10.7.2017 and the trial had commenced but subsequently another accused Wahid Raja was arrested and the trial has now started. The counsel further submits that there was a delay in lodging the FIR and the girl went missing firstly in April 2017 but the father did not lodge any missing report and the girl returned in July and again left the house and the FIR had been lodged after three days. The counsel also submits that another FIR was lodged in Delhi. The counsel refers to the order Annexure P-4 and states that the girl is major and it is an attempt to extort money and the girl did not wish to stay with her family. The counsel further submits that the name of

the victim was struck off from the rolls as she absented from the school much earlier and the statement of the victim has been recorded. The counsel also urges that the age stated by the victim is not correct and there are contradictions and the trial is taking time.

State counsel submits that the girl was a minor and they had verified her age and she has made accusations of rape and the trial was held up as one of the accused was arrested only in May 2018 and there are allegations of gang-rape and threats were given to the victim to throw her in flesh trade.

Statement of the victim has been recorded. She is a minor. She has made accusations of repeated assault on her. So far as the contradictions and the age of the victim is concerned, it is for the trial Court to go into those questions and cannot be considered here. No doubt the custody of the petitioner is over a year but considering the seriousness of allegations, I am not inclined to grant bail.

The petition is dismissed.

However, directions are given to the trial Court to expedite the trial.

Copy of the order be sent to the Court below.

(ANITA CHAUDHRY)
JUDGE

October 22, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No