

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-46817 of 2018
Date of decision : October 29, 2018

Santosh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. M.R.Sharma, Advocate, for the petitioner
Mr. Deepak Sabharwal, Addl. AG Haryana for the State

Fateh Deep Singh, J. (Oral)

This order shall dispose of first regular bail application under Section 439 Cr.P.C. of accused-petitioner Santosh.

The allegations brought to the notice of this Court by the learned State counsel are that the victim is a minor girl and was living with her elder sister who is married to petitioner Santosh and during the course of her stay petitioner started having physical relations with her and out of this illegitimate relationship the girl became pregnant and subsequently leading to her abortion without her knowledge and registration of the present case leading to the arrest of the petitioner on 6.7.2018.

Counsel for the petitioner Mr. MR Sharma, has argued

that the parties have effected a compromise and that he is willing to produce the girl before the Court in support of the same and the victim and her father already filed affidavits in this regard and has prayed for grant of bail.

Learned State counsel has vehemently opposed the grant of relief arguing that the girl has made a statement before the police on 6.7.2018 and has placed on record true copy of the same whereby serious insinuation has been sought to be raised and that the petitioner is giving threats to the complainant that in case she does not resile she will divorce her elder sister and that in view of heinousness of crime and seriousness of the allegations, the petitioner is not entitled to any relief.

Appreciating the submissions of the two sides, admittedly, the victim is a minor girl and in her application/complaint dated 6.7.2018 has levelled serious allegations against the petitioner. From the factual story brought to the notice of the Court, it is apparently a case of forced abortion and thus serious allegations have come about, together with the fact as is apparent the petitioner even while behind the bars is trying to stifle the investigations and meted out threats to the victim and if allowed bail would certainly scuttle the same.

In view of such serious nature of the allegations and

subsequent conduct of the petitioner dis-entitles him to any such relief. The bail application is dismissed.

October 29, 2018
'tiwana'

(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	Yes/No
<i>Whether Reportable ?</i>	Yes/No