

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

CRM-M No.52253 of 2018

Date of decision: 3rd December, 2018

Mohan Singh @ Monu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rakesh Gupta, Advocate for the petitioner.

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

FATEH DEEP SINGH, J. (ORAL)

The allegations against the petitioner Mohan Singh alias Monu in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.44 dated 13.02.2018 under Sections 376/506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Mahesh Nagar, Ambala, have been levelled by the elder brother's wife, of a girl victim aged around 17 years living in the house next-door to that of the petitioner. The petitioner, a married man with two kids, had been repeatedly raping the prosecutrix girl for 7-8 months and consequent upon complaint of the girl, the present case was got registered leading to arrest of the petitioner on 13.02.2018.

Learned counsel for the petitioner Mr. Rakesh Gupta, Advocate has submitted that the petitioner is behind bars since a long

time and the girl is mature enough and has volunteered into this relationship and thus, prayed for grant of bail to the petitioner.

On behalf of the State, Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from ASI Kulbir, Police Station Mahesh Nagar, Ambala City has sought to oppose the grant of bail on the grounds that the petitioner being a grown-up married man living next to the prosecutrix's house had ravaged her and thus, in view of the heinousness of the offence and seriousness of allegations disentitles him to any relief.

Going through the submissions of the two sides, it is by no means displaced by learned counsel for the petitioner that the victim at the time of commission of offence was a minor girl. The medical evidence placed on the record including the report of Forensic Science Laboratory, Madhuban (Haryana) is also suggestive of the offence having been committed. Mere incarceration of the petitioner is no extenuating circumstance. In view of the seriousness of allegations and heinousness of the offence, the petitioner does not deserve any relief.

The petition being hopelessly without merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

December 3, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No