

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

CRM-M No.52540 of 2018

Date of decision: 4th December, 2018

Harpreet Singh @ Preet

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Mandeep Kaur, Advocate as legal aid counsel
for the petitioner.

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

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Harpreet Singh alias Preet in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.97 dated 05.04.2018 under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 506 IPC pertaining to Police Station Mahesh Nagar, Ambala, are as follows:-

The allegations have been levelled by mother of a minor girl aged around 12 years, who happens to be the second wife of the petitioner, wherein she alleged that it was her second marriage with the petitioner and the victim was born out of her previous wedlock with Gulshan Kumar. It was during the course of events, the girl has confided in her mother that for the last more than nine months she was being physically abused by the petitioner, leading to registration of the present case and arrest of the petitioner on 05.04.2018.

Learned counsel for the petitioner Ms. Mandeep Kaur, Advocate has contended that the victim has not supported the prosecution story at the trial and thus, the petitioner is entitled to bail and has argued that it would be a futile exercise to keep the petitioner behind bars.

Learned State counsel, Mr. Baljinder Singh Virk, Deputy Advocate General, Haryana on instructions from SI Subhash, Police Station Mahesh Nagar, Ambala, has sought to oppose the grant of bail to the petitioner on the grounds that a young daughter has been abused in her own house and in view of the heinousness of the offence and seriousness of allegations disentitles the petitioner to any relief.

Going through the submissions, the own wife of the petitioner has lodged the FIR in question against her husband and therefore, in the absence of any adverse stand of the petitioner qua the complainant, her stand needs to be taken on the face of it, besides the fact that the medical evidence corroborates the allegations of the prosecution. Keeping in view that a young daughter has been abused by her father and in view of the social taboo and the fact that it impinges upon the judicial conscience, grant of relief to the petitioner certainly is uncalled for. The petition being without any merit, stands dismissed.

(FATEH DEEP SINGH)
JUDGE

December 4, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No