

Criminal Misc. No. M- 593 of 2018 (O&M)

Date of decision : March 07, 2018

Shiv Kumar

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. D.S. Matya, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

LISA GILL, J.

This the petitioner's second petition for bail pending trial in FIR No. 49 dated 13.02.2017 under Section 506 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sector 18, Gurugram.

It is submitted that the petitioner, who is a young man of 22 years, has been falsely implicated in this case. The FIR was registered on the basis of a complaint submitted by the elder sister of the victim. The victim, in this case, was 9 years old at the time of the occurrence. The child was produced before the Bal Kalyan Samiti, Gurugram wherein it was revealed that 2/3 months prior thereto when her mother and grandmother had gone to the village, her brother and father was at home. At that time the petitioner, who was living opposite their house took her to his house on the pretext of playing with her. Thereafter, rape was committed upon her and the petitioner threatened that, in case, she revealed the incident to anyone he would kill her brother. On the basis of the said allegations, the present FIR was registered. It is noticed that the elder sister of the victim (PW2) while deposing before the learned trial Court has specifically stated that their mother is a cancer patient for last few months and generally stays in the

native village in Madhya Pradesh. They lived with their father, who is a labourer in a village Sarol, Gurgaon. She as well as her sister are studying in the same school. There was a Parent Teacher Meeting on 09.02.2017 and the class teacher of the victim called PW2. Their parents could not attend the meeting due to personal problems. It was informed by the victim's teacher that the victim had been sexually assaulted on 2/3 occasions in the past. PW2 expressed ignorance and the class teacher revealed that the victim often used to cry in the class room and on inquiry from friends, she revealed the entire incident, which was brought to the notice of the class teacher. PW2 was advised by her teacher to inform the Principal. Thereafter, the Principal advised her to approach the police. Both the sisters came home and discussed the matter with parents, who did not want any action to be taken and wanted them to keep quiet. However, a report was lodged with the police officials and action was taken. The victim aged 10 years deposed before the learned trial Court as PW1. She has revealed the facts as they unfolded. Both the said witnesses have clearly supported the prosecution case. Reference to the medical evidence on record at this stage is of no avail to the petitioner.

Learned counsel for the State on instructions from ASI Satvinder Singh, informs that only five prosecution witnesses remain to be examined and the matter is fixed before the learned trial Court for 10.04.2018. However, learned counsel for the petitioner submits that as per his instructions, only one prosecution witnesses left to be examined.

Learned counsel for the petitioner submits that he be permitted to withdraw this petition at this stage though the learned trial Court be directed to expedite the proceedings.

Dismissed as withdrawn.

Needless to say, learned trial Court shall make an effort to conclude the trial of this case expeditiously.

March 07, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No