

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-693 of 2018

Date of Decision: 16.1.2018

Raju

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sanjay Verma, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana

ANITA CHAUDHRY, J (ORAL)

State counsel points out that the FIR was also registered under Section 4 of the POCSO Act which has not been mentioned in the petition.

Counsel for the petitioner orally submits that they may be allowed to add Section 4 of the POCSO Act.

Allowed.

Reader to make the necessary correction in the head note of the petition.

The petitioner is seeking regular bail in FIR No. 656 dated 7.11.2016 registered at Police Station Palam Vihar, District Gurgaon under Sections 363, 366-A IPC and Section 4 of POCSO Act.

Counsel for the petitioner contends that the petitioner is in custody for over one year and three months. He further submits that the girl was in a relationship with the petitioner and she has admitted in her

statement that a mobile phone had been provided to her by the petitioner and both were talking to each other frequently and it was a case of consent.

State counsel submits that the girl was under 18 years of age and DNA report is pending and the victim in her statement has stated that she had been violated and she has supported the prosecution story.

Since the girl is under 18 years, the trial Court will have to examine whether she could give consent. Twelve witnesses have already been examined. The trial is proceeding at a fast pace.

No case for bail is made out.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

January 16, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No