

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-6950 of 2018

Date of Decision: 23.2.2018

Anila

.....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. H.S.Hooda, Senior Advocate with
Mr. C.S.Singh, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana

ANITA CHAUDHRY, J

The petitioner is seeking regular bail in FIR No. 848 dated 31.12.2016 registered at Police Station Bhiwani Sadar, District Bhiwani under Sections 346 IPC (Section 346 IPC was deleted and later on Section 366-A, 376-D, 363, 344, 506, 120-B IPC and Section 6 of POCSO Act and Section 9 of Child Marriage Restraint Act were added).

Counsel for the petitioner contends that the victim in her statement to the police had stated that she had left the house on her own and there was no pressure and she lived in the house of the petitioner for sometime and no allegations of harassment and physical assault at the hands of the petitioner has been levelled and she was kept nicely and the victim had admitted that her marriage was solemnized with Rajesh and she remained in the matrimonial home for few months and there is no allegations of illegal trafficking against the petitioner.

State counsel has opposed the bail application. It has been

urged that it is a case of kidnapping, confinement and charge has been framed under the Child Marriage Restraint Act and the petitioner is the sister of Ashish who is accused of rape and he is on the run and the petitioner got the victim married to Rajesh (her relative) and there is no proof of marriage and the girl was confined and she managed to escape. State counsel also urges that there are allegations that Ajay, the younger brother of Rajesh, also used the girl and she was 19 weeks pregnant when she managed to return and with the permission of the Court, the child was aborted. State counsel submits that the trial is almost over and only three witnesses remain to be examined and examination-in-chief of the investigating officer has also been recorded and the case is fixed for 6.3.2018.

The allegations against the petitioner are too serious. The petitioner's brother had brought the victim to their house. The girl has alleged that she was confined illegally and then married of to Rajesh, brother of the petitioner. She was molested by Rajesh and his younger brother. Accused Ashish is on the run. The trial is almost over. Out of 26 witnesses, 20 witnesses have been examined. Three witnesses have been given up. The examination-in-chief of the investigating officer has been recorded. The Court is giving short adjournments and the trial would be over soon.

No ground for bail is made out.

The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

February 23, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No