

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

**Crl. Misc. No.M-711 of 2018 (O&M)
Date of decision : 22.03.2018**

Pardeep

.....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Rohit Kumar, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana,
assisted by ASI Subhash.

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No.97 dated 27.04.2017, registered under Sections 363, 366-A IPC (Sections 4 of the POCSO Act added subsequently), Police Station Israna, District Panipat.

Counsel for the petitioner contends that the girl had gone on her own and she had made a statement before the Magistrate. The counsel refers to Annexure P-1. Counsel further submits that the petitioner is in custody since 26.05.2017.

The State counsel has opposed the application and urges that the girl was a minor who was enticed and though she had refused her medical but the FSL report is positive and semen was found and the petitioner had refused his DNA test and it is not a case of run away marriage and the petitioner has mis-used the girl.

The bail application of the petitioner had been dismissed by the Additional Sessions Judge, Panipat as the prosecution fear that the petitioner would tamper with the evidence. In the statement recorded under Section 164 Cr.P.C., the girl had stated that she had gone on her own and there was no threat. She had given her age as 17 years, therefore, at the time of the occurrence she was less than 18 years. The FSL report is against the petitioner. The statement of the witnesses would be important. No case for bail is made out.

The petition is dismissed.

22.03.2018

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No