

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-3545 of 2019 (O&M)
Date of Decision: April 12, 2019

Munish Kumar @ Manni

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vishal Munjal, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

CRM 12018 of 2019

Allowed as prayed for.

CRM M-3545 of 2019

Allegations in this third anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 33 dated 08.03.2017 under Sections 363 and 366 IPC and Sections 4, 5, 6, 8, 11 and 12 of POCSO Act, 2012, Police Station Division No. 2, Pathankot against accused/petitioner Munish Kumar @ Manni are that the complainant a

married lady has alleged that on 07.03.2017 around 07.00 p.m., when she returned home she found that her daughter who at the time of commission of the offence was aged around 14 years had gone missing and suspected the role of Sunny @ Munish Kumar @ Manni with the help of one Chunni Lal an employee of a shop in the vicinity of the dwelling unit of the complainant.

On recovery of the girl from the custody of the petitioner, her statement under Sections 161 Cr.P.C. and 164 Cr.P.C. was recorded wherein she alleged that the accused/petitioner on the pretext of marrying her dishonestly allured and kidnapped her but, subsequently, in her statement under Section 164 Cr.P.C. had claimed that she has left the house on her own and has shown her resolve to marry the petitioner.

Mr. Vishal Munjal, learned counsel for the petitioner has vehemently argued that the petitioner was earlier allowed bail after 9 months of incarceration and, subsequently, offence under Section 376 IPC and Sections 4, 5, 6, 8, 11 and 12 of the POCSO Act were added and, therefore, the petitioner is entitled to relief in view of the earlier bail orders passed by this Court on 20.04.2017.

Mr. Saurav Khurana, DAG, Punjab, learned State counsel on instructions from ASI Harjinder Singh has stoutly opposed the grant of bail on the ground that the victim is a minor and the medical

evidence fully corroborates that the girl was defiled and who was subsequently recovered from the custody of the petitioner and seriousness of the offence disentitle him to any relief.

Heard.

Admittedly, the victim is aged between 14 to 15 years, thus, a minor by all means. The medical evidence claimed by the prosecution clearly establishes that the girl was defiled and her statement before the police Section 161 Cr.P.C. is corroborative of the same. The claim of the petitioner's counsel that the complainant mother had given affidavit (Annexure P-2) exonerates the petitioner is reflective of the fact that the influence wielded by the petitioner even while in custody and if allowed bail would certainly stifle the trial. The victim is a minor girl. The medical evidence corroborates the allegations.

In view of the heinousness of the offence and seriousness of the allegations, this Court does not deem it appropriate to allow the present petition.

Dismissed.

April 12, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No