

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-5319 of 2019 (O&M)
Date of decision : February 12, 2019

Ashwani Kumar @ Bunty

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. GC Shahpuri, Advocate, for the petitioner
Mr. Amrik Narwal, DAG Haryana for the State

Fateh Deep Singh, J. (Oral)

The petitioner-accused Ashwani Kumar @ Bunty has filed this first regular bail application in case bearing FIR No. 140 dated 6.10.2018 under Section 365 IPC and Sections 6,8 & 17 of the Protection of Children from Sexual Offences Act, 2012, Police Station Barara, District Ambala.

The facts as has been brought to the notice of this Court are that the present case was got registered on the statement of Rohtas father of victim minor girl aged around 17 years and uncle of second victim minor girl aged around 16 years. In his statement he alleged that on 5.10.2018 around 12.15 PM, both these girls left the home without disclosing and took away Rs 3000/- and clothes and on the basis of this, the present case was

got registered. During the course of investigations, both girls were recovered and their statements under Section 164 Cr.P.C. were recorded. In their stand, the girls disclosed that they took a lift on a motor-bike and thereafter went to Jagadhari and then to Saharanpur from where purchased a mobile phone and came back to Chhachhrauli where one of the girls called on phone accused non-applicant Ankit on the basis of which co-accused non-applicant Vishal and Gulshan came and they took the girls to an under construction house and in the meanwhile the present petitioner from that place reached and showed them the place, arranged eatables during the intervening time accused Vishal defiled one of the girl against her wishes. On the basis of this statement medico legal examinations of the girls were conducted leading to the arrest of the petitioner.

Mr. GC Shahpuri, counsel for the petitioner contends that there is no specific role attributed to the petitioner in the commission of the offence as according to the allegations he has only come to the place and shown it to the co-accused and was not instrumental in committing sexual intercourse nor facilitating the same and is behind the bars since a long time.

Learned State counsel Mr. Narwal has strongly opposed the grant of bail on the grounds that two young girls who are minors have been enticed and taken away to a distant place where they were forced into all this and that in view of the heinousness of the offence dis-entitles the petitioner to any relief.

Going through the submissions, admittedly both the girls are minor and have been taken away with the purpose to commit sexual intercourse with them from place to place. Thus two child victims were taken to an under construction dwelling unit at the behest of the present petitioner where the offence has been committed upon the victim and therefore, is suggestive of the role played by the petitioner who has also arranged for refreshment for his companions. In view of heinousness of crime and seriousness of allegations, no ground for grant of bail is made out. The present petition, thus, stands dismissed.

February 12, 2019
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>