

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

CRM-M-9136 of 2019 (O&M)
Decided on:- March 18, 2019.

Naveen (minor) through his father Satender Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Neeraj Sheoran, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.20 dated 04.05.2018 under Sections 342, 363, 366-A and 506 read with Section 34 IPC as well as Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, the POCSO Act) registered at Women Police Station, Charkhi Dadri, District Charkhi Dadri.

The aforesaid FIR was registered at the behest of Liyakat father of the prosecutrix-victim. As per the FIR, on 03.05.2018 when his daughter was returning home in the night between 12.00 A.M. to 02.00 A.M., the petitioner along with other co-accused came in a Bolero car and forcibly pulled his daughter in the car and ran away. The complainant chased the car and noticed that they (accused) had taken her towards Naurangabad. The victim is a minor. On search, it was found that she was in a room situated in

the fields of Jorawar son of Mir Singh. The accused were present there. On inquiry, the complainant came to know that the accused including the petitioner have committed rape upon her one after the other and threatened that if she will disclose this fact, her family would be done to death.

Learned counsel for the petitioner, while referring to the statement of victim under Section 164 Cr.P.C., has argued that there is apparent contradiction in the statements of prosecutrix and the complainant. The prosecutrix in her statement has deposed that the accused ran away from the spot, whereas the complainant has stated that they were present at the scene of occurrence. The petitioner was not present in the village on the relevant date. Even otherwise, the petitioner is a juvenile and, therefore, in view of the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, he is entitled for bail.

Having heard learned counsel for the petitioner, this Court finds that the argument of learned counsel for the petitioner that there is contradiction in the statements of the prosecutrix and the complainant, it cannot be accepted at this stage as this fact is required to be appreciated during trial. However, in both the statements, there is no contradiction regarding commission of rape upon the prosecutrix.

So far as the plea regarding juvenility of the petitioner is concerned, he is at liberty to raise it during trial. Moreover, the petition for regular bail of co-accused Sonu @ Ashok i.e. *CRM-M-42043 of 2018* titled as *Sonu @ Ashok Versus State of Haryana* has already been dismissed as

withdrawn vide order dated September 27, 2018 as this Court was not inclined to grant bail to him.

Therefore, this Court does not find any ground for grant of anticipatory bail to the petitioner.

Accordingly, the present petition, being devoid of any merit, is hereby dismissed.

March 18, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No