

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-10680 of 2019

Date of Decision: March 13, 2019

Amit @ Mitta

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 234 dated 10.09.2017 under Sections 354-B, 376, 452, 323 and 506 IPC, registered at Police Station Sadar Narwana, District Jind.

The present FIR was got registered by Satbir father of the victim an unmarried girl aged between 18 to 19 years alleging that on 10.09.2017 around 11.30 a.m. he alongwith his wife had gone to the fields and the victim was in her house tethering cattle in the cow shed

when the accused forcibly entered their house and after gagging the mouth of the victim tore off her clothes and defiled her and thereafter on the complaint the present case was got registered leading to the arrest of the petitioner on 11.09.2018.

Shri K.S. Dhaliwal, learned counsel for the petitioner *interalia* has argued that the petitioner is behind the bars for more 1 ½ years and that the medico legal report does not support the case of the prosecution of forcible intercourse nor any injuries were found on her person arguing further that the trial is not likely to be concluded in the near future.

Learned State counsel Mr. Amrik Narwal, DAG, Haryana assisted by SI Sarabjit Singh accepts the facts as argued by the counsel for the petitioner but has opposed the grant of the relief arguing that a young unmarried girl has been defiled by the accused a co-villager by trespassing into the house while she was alone after assaulting her and if allowed bail he would stifle the trial.

Though the claim of the girl that she was assaulted and defiled by the accused does not stand corroborated by the medical evidence on account of absence of injuries. However, as is reflective from the records, the chunni torn by the victim at the time of the occurrence as per the crime scene visit report of the Forensic Science Laboratory Haryana shows presence of whitish and reddish sheets and test thereon has given positive result for blood and spermatozoa are

suggestive of this corroboration to the allegations.

Thus, in view of the allegations and finding no merits, the present petition stands dismissed.

March 13, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No