

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM M-14017 of 2019.

Date of Decision: 13.12.2019.

Malkit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. T.P.S. Makkar, Advocate,
for the petitioner.

Mr. A.A. Pathak, Addl. AG Punjab.

Prosecutrix in person with
Mr. R.S. Sidhu, Advocate.

JITENDRA CHAUHAN.J.(ORAL)

This is second anticipatory bail application filed in case FIR No.95 dated 16.06.2017 registered under Sections 363, 366-A and 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar Patti, District Tarn Taran.

The prosecutrix has been heard in person.

At the time of alleged occurrence, the prosecutrix was 15 years of age. The statements made by her before the Police and the Magistrate under Section 164 Cr.P.C were made under duress. Moreover, the Police was under the influence of the petitioner who is supported by local politicians including Mr. Gill MLA so, her version was not recorded. The victim never knew the import of the medical examination nor was explained to her by the authorities, therefore, she refused for the medical examination. The fact remains that the prosecutrix was a minor aged 15 years at the time of the occurrence and

the petitioner is 24 years of age. No benefit could be given to the petitioner for the statement, if any, made by the prosecutrix. The prosecutrix who was of tender age was illegally detained for a number of weeks. Now, the true version of the incident has come and supplementary challan has been filed. She further states that due to the repeated harassment, she had to discontinue her studies and the petitioner is helped by the local MLA. The prosecutrix normally has to confine herself to home alone. Out of the nine prosecution witnesses, only four witnesses have been examined.

Considering the age of the prosecutrix and the sequence of facts narrated by the prosecutrix during the personal hearing, the Court feels that no leniency can be shown to the petitioner particularly in view of the fact that the petitioner is resident of the same Mohalla and fully knew the age of the prosecutrix. No case for bail is made out.

Keeping in view the fact that the FIR was registered on 16.06.2017, the trial Court is directed to conclude the trial expeditiously preferably within three months from the date of receipt of certified copy of the order.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

13.12.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No