

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

CRM-M No.16598 of 2019
Date of decision: 12th September, 2019

Vishal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Virender Mandhan, Advocate for the petitioner.
Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
For the respondent/State.

FATEH DEEP SINGH, J.

Petitioner Vishal son of Amar Singh along with his co-accused non-applicants Rinku, Sonu, Sunil and Vishal son of Mahender have been accused of defiling two minor girls, both real sisters, and it was on 14.08.2018 late night around 11:00/11:30 p.m. when these accused in a car bearing registration No.HR-05A-1781 came to the house of the complainant Jasmer Singh, father of the girls, to take away the girls, the family woke up and one of the accused Vishal son of Mahender was caught while the other managed to flee and that is how a case by way of FIR No.278 dated 15.08.2018 under Sections 365/511 IPC was registered with Police Station Madhuban, District Karnal (now registered under Sections 323/376-D/376-DA/366/366-A/511 IPC and Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012), in which petitioner Vishal son of Amar Singh was arrested.

The victims in their separate statements under Section 164 Cr.P.C. had detailed at length the manner in which the accused had defiled both of them and prepared their obscene video in compromising position and on that pretext as well as on the threat of physical assault and threat to the family had carried on this dubious plan a number of times.

Learned counsel for the petitioner Mr. Virender Mandhan, Advocate inter alia contends that the co-accused of the petitioner Neeraj was allowed bail vide orders dated 19.03.2019 and that the petitioner is behind bars since a long time and there is no specific attribution to him in commission of the offence and thus, prayed for grant of bail.

Learned State counsel Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana has opposed the bail submitting that the petitioner and his co-accused have been specifically named and definite role has been attributed to each of them serializing the manner in which both the minor girls were ravaged. It is argued that the case of co-accused Neeraj non-applicant is quite distinguishable from that of the other co-accused including present petitioner, and therefore, there cannot be any cause for parity. It is submitted that if allowed bail the petitioner might stifle the trial.

In the light of submissions of the two sides, name of the petitioner stands duly enumerated in the FIR as well as the subsequent statements of both the victims separately recorded before the learned

Judicial Magistrate. The medical evidence brought to the notice of the Court is illustrative of the same. Rather what is disturbing is the half-hearted and half-baked investigations whereby the offences under the provisions of the Information Technology Act have not been applied. Moreover, the petitioner cannot seek parity with the case of co-accused Neeraj which is quite distinguishable as this co-accused was never named in the FIR. In the light of the allegations, heinousness of the crime and the manner in which the accused have behaved like wolves and in the process have mauled two minor sisters of their femininity, impels this Court to hold that the petitioner does not deserve any concession. More so, if allowed bail there is every likelihood, the accused may influence the witnesses at the trial. Finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

September 12, 2019

rps

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