

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-36917 of 2018

Date of Decision: March 05, 2019

Chandan

.....Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Namit Sharma, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first regular bail application under Section 439 Cr.P.C. moved in FIR No.69 dated 20.01.2018 under Section 6 of the Prevention of Children from Sexual Offences Act, 2012 registered at Police Station Model Town, Panipat.

The brief allegations are as follows:-

“The present case was got registered by mother of the victim a girl then aged around 15 years alleging that on 14.01.2018 while the complainant had gone to the market and her kids were at home. The victim was in her room when the accused entered the room and after closing the door forcibly entered finger of his hand in the private parts of the victim and thereafter the siblings were attracted and the accused fled from the spot and matter was reported to the police.

Mr. Namit Sharma, counsel for the petitioner argued that the petitioner is behind the bars since 20.01.2018 and that there neither any injury much less of any proof of penetrative sexual assault and that there is a inordinate delay in registration of the FIR and the occurrence and that there are material contradictions in the story of the prosecution.

Mr. Baljinder Virk, DAG, Haryana assisted by SI Mahavir Singh has strongly and stoutly opposed the grant of the relief of the bail on the ground that a girl child has been defiled by the petitioner, who is a grown up person aged around 31 years and that the trial has almost accomplished and the heinousness of the offence disentitles him to bail.

Appreciating the submissions, the very story of the prosecution and the statement of the victim under Section 164 Cr.P.C. made before the Judicial Magistrate 1st Class supported and corroborated by means of medical evidence are illustrative enough to show the enormity of the offence. The fact that the prosecutrix has testified so even subsequent to her statement under Section 164 Cr.P.C. keeping in view the seriousness of the offence and the apprehension of the State of stifling the trial, impels this Court to decline the bail.

Dismissed.

March 05, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No