

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-38451 of 2018 (O&M)
Date of decision : July 15, 2019

Sital alias Rana

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Mehtab Singh Khaira, Advocate, for the petitioner

Mr. Harbir Sandhu, AAG, Punjab, for the State with
SI Krishan Chand, Police Station Basti Bawa Khel,
Jalandhar.

Fateh Deep Singh, J. (Oral)

The accused petitioner Sital alias Rana who is in custody in this case has preferred this regular bail application in case FIR No. 49 dated 29.3.2016, under Sections 376, 420, 354, 120-B IPC and Sections 7/8 of the Protection of Children from Sexual Offences Act, 2012, Police Station Basti Bawa Khel, Jalandhar.

The present case was got registered when an unmarried minor girl aged around 17 years was defiled by petitioner Sital alias

Happay also referred to as Rana. Subsequently faced with criminal prosecution, the accused petitioner got himself engaged with the victim on 19.11.2015 and thereafter went abroad. While living abroad during communication, the victim disclosed to the accused petitioner that she had become pregnant which was deceitfully got aborted by the petitioner in connivance with his co-accused non-applicant. On his return, the accused-petitioner refused to marry her by raising unwarranted insinuation about her character leading to the registration of the present case.

Learned counsel for the petitioner contends that the petitioner is in custody since a long time and the trial is not likely to be concluded in near future. It is further averred that there is no medical evidence to connect the petitioner with the commission of offence and that co-accused Romi Gupta has been allowed bail by this Court vide orders dated 27.10.2017.

Learned State counsel has strongly opposed the grant of bail on the grounds that to escape his prosecution, the petitioner has acted deceitfully and got himself engaged and thereafter backed out of it. It was argued that the petitioner is facing six cases under various offences including narcotics and cheating and thus, is not entitled to any relief and if allowed bail, he will abscond.

Going through the submissions, the prima facie allegations harbour around defilement of a minor girl who was

subsequently taken in by falsehood of marriage out of which the petitioner has subsequently backed out after ensuring his insulation from prosecution. The criminal track record of the petitioner detailed in the custody certificate placed on the record is in itself reflective of his criminality. The apprehension of the State that if allowed bail, he would abscond and influence the witnesses, in the light of the criminal track record of the petitioner, is certainly not unfounded. In view of the heinousness of crime and seriousness of allegations, no case for bail is made out. The present petition thus, stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

July 15, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No