

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

CRM-M No.23477 of 2019
Date of decision: 22nd August, 2019

Romil

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Deepender Singh, Advocate for the petitioner.
Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

Petitioner Romil has sought regular bail under Section 439 Cr.P.C. in case bearing FIR No.198 dated 10.05.2018 under Sections 346, 363, 366-A, 342, 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Faridabad Old, District Faridabad got lodged by Mukesh, father of a minor girl aged around 16 years. The allegations are that on 09.05.2018 the victim had gone out of the house and did not return and the family failed to search for her in spite of the best efforts, leading to registration of the present case.

It is subsequently that the girl was got recovered on 12.05.2018 and her statement under Section 164 Cr.P.C. was got recorded and subsequently another statement to this effect was recorded on 26.05.2018 by the Magistrate and the accused was arrested the same very day.

Learned counsel for the petitioner Mr. Deepender Singh, Advocate inter alia contends that the victim did not support the prosecution in her stand under Section 164 Cr.P.C. on 12.05.2018 and there is no medical evidence to link the petitioner with the commission of offence, arguing that the petitioner has been falsely implicated.

Learned State counsel Mr. Baljinder Singh Virk, Dy. Advocate General, Haryana on instructions from ASI Raj Kumar, Police Station Old Faridabad, submits that though initially under trauma the victim did not testify against the accused but subsequently in her statement made on the second occasion, had detailed how she was defiled repeatedly by the accused when she was forcibly taken away by him. It is argued that in view of the fact that the victim is a minor and in the light of heinousness of the offence disentitles the petitioner to any relief.

Going through the submissions of the two sides, admittedly the victim at the time of occurrence was a minor. The legal effect of such a stand of the victim under Section 164 Cr.P.C. is to be adjudicated at the trial. However, keeping in view that the girl has certainly been defiled as per her statement made on the second occasion which is duly supported by the medical evidence, and thus, in view of the heinousness of the offence and seriousness of allegations does not call for grant of any relief to the petitioner. The petition being without any merit, stands dismissed.

(FATEH DEEP SINGH)
JUDGE

August 22, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No