

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-24376 of 2019 (O&M)
Date of decision : August 30, 2019

Raju @ Rajender

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Keshav Pratap Singh, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State with
ASI Parveen, PS Women, Palwal

Fateh Deep Singh, J. (Oral)

The present case by way of FIR No. 201 dated 27.12.2016 under Sections 363, 366-A, 376-D, 342, 328, 120-B IPC and Section 6 of the POCSO Act, 2012, Police Station Women Palwal was got registered on the statement of 15 years old unmarried girl whose mother had earlier expired. It is alleged that one Jawahar co-accused non-applicant works in a liquor shop in their neighbourhood and started giving her telephonic calls and

thereafter met her and started defiling her in routine. It is thereafter on the fraudulent pretext of marrying her this accused eloped with the victim and till 24.12.2016 had stayed at various places where too the principal accused Jawahar along with his co-accused Jagwati, Sachin, Abbhas an employee of CIA Staff and one Rajak, police official along with present petitioner accused Raju had been ravaging the minor girl for the satisfaction of their lust. It is thereafter the girl escaped on 24.12.2016 that the present case was got registered.

Mr. Keshav Pratap Singh, counsel for the petitioner inter-alia contends that seven co-accused including Jawahar have since been acquitted on 25.7.2018 and that there is no case against the petitioner as he was not initially named and subsequently has been named and is in custody since 18.12.2018.

Learned State counsel has opposed the bail arguing that the petitioner was initially a proclaimed offender and subsequently surrendered and if allowed bail would again abscond. It is further argued that the victim in her statement before the learned Judicial Magistrate Ist Class on 27.12.2016 has categorically named and attributed specific role to the petitioner and in view of the heinousness of the offence disentitles to any bail.

In the light of what has been argued and canvassed before this Court, it is a sad plight of minor destitute girl who appears to have fallen prey to lust thirsty grown up persons and by their heinous act not only defiled a minor girl but by their conduct had caused immense psychological and physical harm to the child and saddens the society by such a crime. The mere incarceration of the petitioner is no extenuating circumstance for the grant of bail. 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.

August 30, 2019
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No