

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-30679 of 2019

Date of Decision: 19.09.2019

Parvesh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. R.N. Lohan, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in FIR No.28 dated 03.07.2018 under Sections 341, 342, 376, 506 IPC, Sections 3, 3(1)W of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Women Police Station Hansi, Police District Hansi, District Hisar.

The aforesaid FIR was registered against the petitioner on the statement of the prosecutrix, who is about 15 years of age and a student of 10th class. As per the FIR, on 27.11.2017, the prosecutrix had to appear in her monthly test in the subject of Hindi and while she was going to her

school and was passing through Panchayat Ghar, which is a secluded place, she found that the petitioner was standing there. It was a foggy day. The petitioner had stopped the prosecutrix and told her that Priyanka, who is sister of the petitioner, is calling her in the Panchayat Ghar. When the prosecutrix asked the purpose of calling her by Priyanka, taking advantage of the fog, the petitioner gagged her mouth and took her inside the Panchayat Ghar. She was threatened not to raise any noise, otherwise, he will kill her. After removing the *salvar* of the prosecutrix, the petitioner committed wrong act with her against her wishes and threatened her by calling her in the name of her caste and not to reveal about this to anybody. After some days, the prosecutrix came to know that she had become pregnant and on the advice of some person, she took the tablets of *Saheli*. She had heard from someone that in case one takes a *Saheli* tablet, it will lead to abortion. She purchased this tablet from a chemist and consumed it. After about 10-12 days, when she realised abdomen pain and she had gone for toilet, the foetus was aborted. The prosecutrix narrated the entire things to her parents and accordingly, with these facts, the FIR in question was registered.

Learned counsel appearing on behalf of the petitioner has argued that the petitioner is innocent and has been falsely implicated in the case. He is in custody since 05.07.2018 and is not required for further investigation. He has further submitted that considering the fact that the petitioner was juvenile at the time of commission of the offence and trial in the case will take long time, therefore, he be admitted on bail.

I have heard learned counsel for the parties.

The prosecutrix was born on 24.01.2003 and as such, was 15 years of age at the time of commission of offence. She is consistent in her statement including her statement recorded under Section 164 CrPC that the petitioner had committed rape upon her against her wishes and she has become pregnant from the petitioner. Considering the age of prosecutrix and the fact that the allegations against the petitioner are serious in nature, no case for bail is made out.

Accordingly, the present petition is dismissed.

September 19, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No