

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-33239 of 2019 (O&M)
Date of decision : August 26, 2019

Mohd. Alam Majhar

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Mandeep Saini, Advocate for
Mr. Parshant Sethi, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

Petitioner Mohd. Alam Majhar, a married man, who is in custody since 24.8.2018, is alleged to have enticed and abducted daughter of the complainant, a minor girl aged around 16 years on 6.4.2018. It is alleged that the accused had confined the girl for 3/4 months and had defiled her repeatedly against her wishes leading to her pregnancy and registration of the present case.

Learned counsel for the petitioner argued that the parties

are Muslims and therefore, a girl of the victim's age is entitled to enter into wedlock and has sought to place reliance on marriage certificate Annexure P/3 submitting that a Muslim can marry more than once and has termed the entire allegations to be false and concocted.

Learned State counsel has stoutly opposed the bail on the grounds that the girl has made a statement under Section 164 Cr.P.C. against the accused for having raped her against her wishes. It is further contended that upon volunteer abortion of the pregnancy of the victim, the DNA test of the foetus matches with the DNA profile of the accused and has claimed that if allowed bail, the petitioner would certainly stifle the trial.

Going through the submissions, the medical evidence placed on the records fully corroborates the role of the petitioner in this defilement of a minor girl who too has made statement against the accused. The claim of the petitioner side of this marriage which has been denied by the victim and would be adjudicated at the time of trial and mere incarceration would not be an extenuating circumstance in view of the seriousness of the offence. No cause for grant of 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.

August 26, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No