

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-43516 of 2019 (O&M)
Date of decision : October 18, 2019

Satish

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. MR Sharma, Advocate, for the petitioner
Mr. Amrik Narwal, DAG Haryana for the State

Fateh Deep Singh, J. (Oral)

The petitioner who is aged around 21 years happens to be elder brother of the victim a young girl aged around 14 years. The precise allegations levelled by the victim are that the accused used to enter into her room at night and fondle her breast as well as would insert his fingers in her private parts and would sometimes hand over his male organ to the victim against her wishes and carry on such vulgar activities.

Learned counsel for the petitioner inter-alia contends that neither the victim nor her parents have supported the prosecution story and has sought to place reliance on their statements made

before the trial court arguing that no offence whatsoever is made out and that the petitioner is behind the bars since a long time.

Learned State counsel has stoutly opposed the bail on the grounds of heinousness of offence and that if allowed bail, the petitioner would certainly pressurize the remaining PWs and sought dismissal of the same.

The prima facie allegations that have come about by the victim who happens to be the minor younger sister of the petitioner certainly has shaken the conscience of the Court. The larger definition given to Section 375 IPC certainly envelopes in it the allegations so levelled against the petitioner. In view of the heinousness of the offence and that the apprehension of the State is not unfounded, this Court does not feels inclined to allow the bail. The same as such is 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.

October 18, 2019
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No