

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

CRM-M No.64463 of 2018

Date of decision: 10th September, 2019

Vinod Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jagjit Gill, Advocate for the petitioner.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

Petitioner Vinod Kumar, who is in custody in case bearing FIR No.137 dated 06.06.2018 under Sections 451/376(2)(j) IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Sadar Dabwali, District Sirsa, has sought regular bail under Section 439 Cr.P.C. The brief allegations have come about by complainant Sukhdev Singh, alleging that on 05.06.2018 around 10:00 p.m. while he was going to his dwelling unit on foot, he heard shrieks and saw the accused defiling a minor girl aged around 14 years, who was mentally retarded and was an orphan whose father had died and mother too was mentally retarded.

Learned counsel for the petitioner Mr. Jagjit Gill, Advocate inter alia contends that the petitioner is behind bars since a long time and

that most of the witnesses have resiled and therefore prayed for grant of bail.

On behalf of the State, Mr. Baljinder S. Virk, Dy. Advocate General, Haryana has sought to vehemently oppose the grant of bail on the grounds of heinousness of the offence and the manner in which the minor mentally retarded girl has been defiled, submitting further that the subsequent conduct of the accused in influencing the witnesses does not call for grant of bail to the accused.

Going through the submissions of the two sides, admittedly the victim happens to be a minor desolate mentally retarded girl whose father has died and mother too is mentally retarded, thus is in itself illustrative of the magnitude of this barbarism by the petitioner. The fact that the prosecution witnesses too have been influenced at the trial deters the Court from allowing such a relief, as trial is underway and if allowed bail, the petitioner might influence the remaining witnesses also. More so, heinousness of the offence and seriousness of allegations disentitles the petitioner to any relief. Finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

September 10, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No