

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-50003/2019 (O&M)
Date of decision : November 29, 2019

Manjeet

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. JP Jangu, Advocate, for the petitioner

Mr. Baljinder Virk, DAG, Haryana for the State with
SI Babu Lal PS Bajghera, District Gurugram

Fateh Deep Singh, J. (Oral)

Accused-petitioner Manjeet who is in custody since 8.8.2019 in case FIR No. 165 dated 7.8.2019 under Section 346 IPC and Sections 6,8 of POCSO Act, 2012 added later on), Police Station Bajeghera District Gurugram, has come up in this regular bail.

The allegations against the petitioner have come about by one Raju father of a minor girl aged around 13 years, student of

8th class. It is alleged that while the complainant and his wife go for their jobs and on the day of occurrence around 5.30 PM minor son of the complainant saw that his sister, the victim was not in the house and thereafter informed the parents. Upon recovery of the girl her statement under Section 164 Cr.P.C. was recorded on 7.8.2019 where she did not level any accusation but in her subsequent statement had serialized the events how the accused had defiled her and as a consequence of which the girl was medico legally examined and the report of the Chemical Examiner showed positive signs of semen on some of the articles sent for examination leading to the registration of the present case.

Learned counsel for the petitioner inter-alia contends that the girl in her initial statement under Section 164 Cr.P.C. has exonerated the petitioner of any wrong doing and it is subsequently under pressure and coercion second statement has come about and thus prayed that the petitioner who is in custody since a long time be allowed bail.

Learned State counsel vociferously opposed the grant of bail on the ground that the girl is a minor and the medical evidence is corroborative and so her statement under Section 164 Cr.P.C. and sought dismissal of the same.

As is there before this Court, the victim happens to be a minor. The legal worth of her two statements, latter having implicated the accused is to be seen at the trial but credence to the latter statement is brought about by the medical evidence. In view of the heinousness of crime and seriousness of allegations, this Court is not inclined to allow the 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.

November 29, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No