

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

CRM-M No.173 of 2020

Date of decision: 13th March, 2020

Rohit

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Arun Sharma, Advocate for the petitioner.

Mr. Sourabh Mohunta, Dy. Advocate General, Haryana
for the respondents/State.

FATEH DEEP SINGH, J.

This is second regular bail application under Section 439 Cr.P.C. of accused petitioner Rohit in case bearing FIR No.131 dated 18.02.2019 under Sections 363, 366-A, 342, 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Sadar Gurugram, the first one having been dismissed by this Court on 06.09.2019.

The allegations in brief are that on 17.02.2019 around 6:00 p.m. the victim, a 14 years old girl disappeared and the complainant father Ashok Kumar lodged FIR suspecting the role of one Pankaj non-applicant. It was during the course of investigations on 18.02.2019 the girl was recovered from the house of the petitioner and her statement under Section 164 Cr.P.C. was recorded and she was medico legally examined. The victim in her statement alleged that on the day of occurrence, 3/4 boys came in a vehicle and forced her to smell some intoxicating substance as a consequence of which she became

unconscious. It is thereafter when she regained her consciousness, discovered that she has been defiled by the accused petitioner, leading to registration of the present case.

Learned counsel for the petitioner inter alia contends that it was a pure simplicitor infatuation between the young girl and boy and there is nothing corroborated to show that the accused petitioner had forcibly kidnapped and taken away the girl or that she was defiled. It is claimed that the petitioner is behind bars since a long time and no useful purpose will be served by his continuous detention.

Learned State counsel on instructions from ASI Surender Kumar, Police Station Sadar Gurugram, though has not displaced the facts brought to the notice of the Court but has stoutly opposed the bail arguing that if allowed bail the petitioner would certainly influence the witnesses and in view of age of the victim and the heinousness of offences disentitles the petitioner to any relief.

Appreciating the submissions, the girl as per the records is a minor and aged around 14 years at the time of occurrence. Statement of the girl under Section 164 Cr.P.C. along with her medico legal examination are suggestive and corroborate the allegations of the prosecution. In view of seriousness of the allegations and heinousness of the offence, no cause for grant of bail is made out. The petition being hopelessly without any merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

March 13, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No