

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

CRM M-6243 of 2020 (O&M)

Date of Decision: September 03, 2020

Jaibir		Petitioner
	Versus	
State of Haryana		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. M.S. Kathuria, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Jaibir who is in custody has come up before this Court in this first regular bail application moved under Section 439 Cr.P.C. in FIR No. 179 dated 12.09.2019 registered under Sections 346, 343, 363 and 366-A IPC and

Section 6 of POCSO Act, 2012 (added later on) registered at Police Station Bhattu Kalan, District Fatehabad.

The present FIR was got registered on the statement of Subhash Sharma father of girl aged approximately 16 years and 07 months a student of 10th class. In his allegations, the complainant submits that his daughter went missing on 11.09.2019 around midnight leading to registration of the present case. It is, subsequently, thereafter, the girl was recovered and her statement was recorded under Section 164 Cr.P.C. and her medico-legal examination too was conducted where it was opined that she had been defiled.

Learned counsel for the petitioner Mr. M.S. Kathuria *inter alia* contends that the petitioner is behind the bars for almost 01 year and 6 ½ months and that the girl as per own stand had volunteered into this relationship and by taking refuge of COVID-19 pandemic prayed for grant of bail.

Mr. Baljinder Virk, DAG, Haryana has strongly opposed the bail on the averments that the petitioner happens to be a married person with kids and has enticed a minor girl and ravaged her and therefore disentitles him to any relief.

Going though the submissions, keeping in view that the victim is a minor and the medical evidence corroborates this statement and so is the statement of the girl under Section 164 Cr.P.C. In the light of the seriousness of the offence and

heinousness of the crime, this Court is not inclined to allow the bail application, at this stage.

Petition stands dismissed accordingly.

September 03, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No