

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

105

(PROCEEDINGS THROUGH V.C.)

CRM-19302-2020 & CRM-M-6823-2020

DATE OF DECISION: AUGUST 18, 2020

Suhail Raja @ Raja

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Rahul Jaswal, Advocate,
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-19302-2020

Prayer in this application is for preponement of hearing of the
main case.

Notice of the application to the counsel opposite.

Counsel for the State submits that she has no objection to the
prayer made in the application for preponment. The present application is
allowed.

The hearing of the main case is preponed from 14.10.2020 to
today and the same is taken on board.

CRM-M-6823-2020

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.196, dated 15.09.2019 registered under Sections 376DA, 506 IPC and Section 6 of the Protection of Children from Sexual Offence Act, 2012 (for short, “the 2012 Act”) at Women Police Station, District Panipat.

The contention of learned counsel for the petitioner is that the prosecutrix has refused for medical examination. He further states that the statement under Section 164 Cr.P.C. of the prosecutrix, which was initially recorded, indicates that no force was used upon her. It is at a subsequent stage and that too after a period of two and a half months that she has again come forward and got the second statement recorded under Section 164 Cr.P.C. And then alleged the offences, for which the petitioner is now facing trial. His further contention is that initially challan was presented under Section 6 of the 2012 Act, which has now been, on submission of supplementary challan, deleted with addition of offence under Section 8 of the 2012 Act. Because of presentation of such supplementary challan, the case was fixed for 25.08.2020 for framing of charge. He also submits that the trial is not likely to conclude in near future, especially in the prevailing circumstances when almost one year has passed and, thus, prays that the petitioner be granted the concession of bail.

On the other hand, learned counsel for the State has vehemently argued that the complainant-prosecutrix is 15 years of age at the time of commission of offence. She has come forward with a version, which was correct at a subsequent stage because earlier she was under threat. Her contention is that even if there was a consent on the part of the prosecutrix,

that would not be relevant and cannot be taken into consideration keeping in view her age. Prayer has, thus, been made for rejection of the present bail petition.

I have considered the submissions made by counsel for the parties and with their assistance have gone through the available record. As is apparent from various stages, to which the case has gone, it is apparent that with the presentation of subsequent challan at this stage i.e. On 07.02.2020, the case is fixed for framing of charge, which, because of prevailing circumstances could not be so framed and the hearing before the trial Court is being adjourned. The challan having been presented, with the trial not likely to conclude in near future and the petitioner being in custody since 15.09.2019, the present petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, Panipat.

August 18, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No