

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

CRM-M No.7618 of 2020

Date of decision: 26th February, 2020

Pankaj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Surinder S. Duhan, Advocate for the petitioner.

Mr. Deepak Manchanda, Addl. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

This is second regular bail application under Section 439 Cr.P.C. moved by accused petitioner Pankaj in case bearing FIR No.03 dated 03.01.2019 under Sections 363, 366-A, 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Women Jind, the earlier one having been dismissed by this Court on 24.10.2019.

The brief allegations of the prosecution are that the complainant, who happened to be then aged around 15 years, alleged that on 31.12.2018 accused petitioner came to the house of the complainant and enticed and took her away and on the false pretext of marriage, ravaged her and also threatened her not to disclose the same to anyone and subsequently too under threat and coercion the accused had been

defiling the prosecutrix leading to registration of the present case and arrest of the petitioner on 03.01.2019.

Learned counsel for the petitioner Mr. Surinder Singh Duhan, Advocate inter alia contends that the petitioner is behind bars for more than one year and one month and that as per the own allegations of the complainant prosecutrix it was a consensual relationship in view of the acts having been repeated on number of occasions. Arguing that the trial is not likely to conclude in the near future, prayed for grant of bail.

On behalf of the State, Mr. Deepak Manchanda, Addl. Advocate General, Haryana with all vehemence and force has opposed the grant of bail on the grounds that the victim happens to be a minor aged around 15 years and the results of the Chemical Examiner show positive signs of spermatozoa on the clothing of the victim and even her stand under Section 164 Cr.P.C. is illustrative as support to these allegations.

Appreciating the submissions of the two sides, admittedly the victim at the time of occurrence was a minor. The report of Chemical Examiner is a corroborative factor to this and in view of the heinousness of the offence and seriousness of allegations no cause for grant of bail is made out. The petition being hopelessly without merit stands dismissed.

(FATEH DEEP SINGH)
JUDGE

February 26, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No