

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211)

CRM-M-13180 of 2020

Date of Decision: 18.06.2020

Rohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. U.K. Agnihotri, Advocate, for the petitioner.
Mr. Pradeep Prakash Chahar, DAG, Haryana.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of bail, upon FIR no.48, dated 24.02.2020, having been registered at Police Station Murthal, District Sonapat, against him, alleging therein the commission of offences punishable under Sections 363, 366A and 376 of the IPC, read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Pursuant to the order of this court dated 10.06.2020, Mr. Chahar, learned DAG, Haryana, submits that as per his instructions (with a reply of the DSP also filed, though the paper-book has not been supplied to the Bench by the Registry), it has been determined from the Registrar, Births and Deaths, that the date of birth of the victim is 02.09.2001, thereby making her 18 years and about 5 months old on the date of the occurrence, and that

no child was born to her parents in the year 2002. He further submits that it has also been determined that the alleged victim is living in the house of the petitioner even today, with her being pregnant.

He also very fairly submits that the alleged victim has made a statement before the learned Magistrate under Section 164 of the Cr.P.C., stating to the effect that she had gone with the petitioner willingly.

Keeping in view the above and especially the fact that the alleged victim was of the age of majority on the date of the occurrence and left with the petitioner with her own wish, I deem it appropriate to admit the petitioner to bail during the pendency of the trial.

Consequently, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

Mr. Agnihotri has pointed out that, inadvertently, in the summary prayer clause in the beginning of the petition, instead of Section 363 of the IPC, Section 336 of the IPC has been mentioned as one of the offences alleged to have committed (as per the FIR), though in the final prayer, the 'correct offence' has been mentioned, i.e. Section 363 of the IPC.

Naturally, the petitioner would be admitted to bail qua all the offences registered in the FIR.

18.06.2020
Vcgarg/nitin

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes