

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

**CRM No.M-15962 of 2020
Date of Decision: July 31, 2020**

Rajneesh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Aman Pal, Advocate
for the petitioner.

ARCHANA PURI, J.

Case has been taken up for hearing through Video Conferencing.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.22 dated 05.01.2020 under Sections 363, 366A IPC (Section 376(2)(N), 376(3) IPC and Section 6 of POCSO Act added later on), registered at Police Station City, Panipat.

Notice of motion.

Ms.Gaganpreet Kaur, Asstt. Advocate General, Haryana, has put in appearance on behalf of the respondent-State and contested the petition. Even detailed reply as directed by this Court vide order dated 23.07.2020 has been filed and the copy of the same has also been supplied to the learned counsel for the petitioner.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

The aforesaid case has been registered at the instance of father of the prosecutrix. The accusations against the petitioner are that on 03.01.2020, the prosecutrix was returning from the factory along with her mother and she went missing. The case was registered under Sections 363 and 366 A IPC initially . However, during the course of investigation on 05.02.2020, prosecutrix along with Rajneesh had come thereby showing the order of this Court in CRWP No.805 of 2020 decided on 04.02.2020. thereby, also apprising the authorities concerned about both of them to have married each other.

The perusal of report under Section 173 Cr.P.C., which is placed on the record as Annexure P-4, reveals about the birth certificate having produced by the prosecutrix, which was furnished by her parents in the school record, thereby stating the date of birth of the prosecutrix to be 01.01.2005. Even in the detailed reply, so filed by way of affidavit of the Deputy Superintendent of Police, City Panipat, the date of birth of the prosecutrix as per the birth certificate is 01.01.2005. Hence, the prosecutrix was less than 18 years of age at the relevant time.

Also, on the record, there is Annexure P-8, which is an application for conducting of medical regarding Sex of the prosecutrix, wherein, a statement had been given by father of the prosecutrix, who is the complainant, as well as the prosecutrix and her maternal uncle and aunt, thereby stating that prosecutrix does not want to get her medical conducted. However, there is Annexure P-9 also on the record, wherein the prosecutrix had made a prayer for initiation of action against petitioner Rajneesh,

besides other person.

The challan has been presented. However, charge has yet not been framed.

Considering the stage of the case before the trial Court and serious accusations against the petitioner, at this stage, no case is made out for grant of regular bail to the petitioner.

In view of the above discussion, the present petition stands dismissed.

July 31, 2020
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No