

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31423 of 2020

Date of Decision : 12.10.2020

Amandeep

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harpreet Singh Jakhal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.37 dated 23.03.2017 under Section 376 IPC and Section 4 of the POCSO Act, 2012 registered at Police Station City Jalalabad (W), District Fazilka.

Learned counsel for the petitioner submits that the allegations alleged in the FIR and the history, which has been recorded in the MLR by the doctor concerned do not conform with each other. Learned counsel for the petitioner further submits that the prosecutrix has given an affidavit that she could not identify the assailant as the face of the assailant was covered with *safa*. Learned counsel for the petitioner submits that keeping in view the said discrepancies as well as statement of the prosecutrix by way of declaration letter (Annexure P/4), the petitioner be granted the benefit of regular bail.

Learned State counsel submits that prosecutrix is only 11 years

old and injury has been found on the prosecutrix in the medical examination. Learned State counsel further submits that the declaration letter (Annexure P/4) is of no consequence as the prosecutrix is minor, even as of now.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The prayer of the petitioner for the grant of regular bail relies upon the alleged discrepancies in the allegations alleged in the FIR and those noted in the history by the doctor concerned while examining the said prosecutrix as recorded in the MLR. The authenticity of the allegations will be proved during the trial and no benefit of recording of certain facts by the doctor in the MLR can be given to the petitioner, at this stage, as the said facts are yet to be proved in the Court of law. Further, the declaration letter (Annexure P/4) given by the minor carries no weightage keeping in view the serious allegations of rape with a 11 years old minor girl, which act might have turmoiled her for life. Stage of the trial is such that the prosecutrix and the complainant are yet to be examined. Getting the so called self declaration (P-4) from a minor prosecutrix to seek bail, itself show that in case petitioner is enlarged on bail at this stage, he is likely to interfere in the trial by influencing the material witnesses.

Keeping in view the above, no ground is made out to allow the petitioner the benefit of regular bail, at this stage.

Dismissed.

October 12, 2020
aarti/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE

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