

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18849 of 2020 (O&M)

Date of decision : 4.8.2020

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Jatin

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Dinesh Sharma, Advocate
for the petitioner.

Mr.J.P. Ratra, Assistant Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for grant of regular bail has been filed by petitioner – Jatin, aged about 20 years, son of Raj Singh, resident of House No. 813, Mahadev Colony, Yamuna Nagar, an accused in FIR No. 300 dated 22.11.2018, for offences under Sections 363, 366-A IPC (Sections 376 (3), 120-B IPC and Section 4 of POCSO Act, added later on), registered at Police Station Sadar, Yamuna Nagar.

In nutshell, the prosecution story is that on 22.11.2018, complainant Annu w/o Arvind, resident of Chitta Mandir Road, Madhu Colony, Police Station Sadar, Yamuna Nagar, submitted a written complaint at Police Station Sadar, Yamuna Nagar, stating that her daughter-prosecutrix (name withheld to conceal her identity)

aged about 14 years had been a school student. On 21.11.2018, in the morning her daughter had gone to the school, but she did not reach there. Later on the complainant came to know that Jatin – present petitioner was also not present at his house. In the written complaint, the complainant alleged that Jatin had enticed her daughter and legal action be taken against him.

On the basis of complaint, formal FIR was recorded. The prosecutrix was recovered. She was got medico legally examined. Thereafter, offence under Section 376 (3), 120-B IPC and Section 4 of POCSO Act, 2012, were added. The accused was arrested in this case on 31.12.2018.

After completion of investigation and other formalities, challan against the accused has been filed in the Court. He had moved an application for grant of regular bail before the Court of Sessions of Yamuna Nagar at Jagadhri, which was however, dismissed by the the Court of Additional Sessions Judge, (Exclusive Court for Heinous Crimes against Women and Children), Yamuna Nagar at Jagadhri, vide order dated 30.8.2019. Now he has approached this Court claiming for grant of similar relief, which request is being opposed by the State counsel.

Learned counsel for the petitioner has contended that the petitioner is innocent. The trial has almost got completed and is fixed for defence evidence since January 2020, but on account of Covid-19, proceedings in the trial Court have been held up. The petitioner is behind bars for more than 2 ½ years. Therefore, he be granted bail.

Whereas learned State counsel has vehemently opposed the request.

After hearing rival contentions, I find that the prosecutrix in this case is a minor girl. Though in her statement under Section 164 Cr.P.C. and while being examined in the Court, she had stated that she had been in love with the accused and wanted to marry him, but then consent of minor is no consent in the eyes of law and the same is meaningless. There are serious allegations against the petitioner of kidnapping a minor girl and then committing rape upon her. The trial is at the fag end, fixed for defence evidence and fate of the petitioner shall be decided very soon, though on account of Covid-19, proceedings in the Courts are said to have been held up for some time, but things are improving and hopefully shall be back to normal very soon.

I do not see any reason to direct release of the petitioner on bail, during pendency of trial, which is likely to be concluded very soon.

Therefore, the petition stands dismissed.

However, nothing discussed above shall have any bearing on the merits of the case.

4.8.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No