

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CRM-M- No. 20893 of 2020 (O&M)
Date of decision : August 25, 2020**

Yogesh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Aditya Sanghi, Advocate, for the petitioner

Mr. Baljinder Virk, DAG Haryana with ASI Sharda Devi

Mr. Mahir Sood, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Yogesh has sought this second anticipatory bail application under Section 438 Cr.P.C. (the first one having been dismissed on 9.7.2020) in case FIR No. 67 dated 4.6.2019, under Sections 366-A/354/354-D/506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 67 of the

Information Technology Act, 2000, Police Station Women, Narnaul.

The present case has been got registered on the statement of unmarried girl claiming to be student of 12th class and taking tuition from accused non-applicant Lovkesh by visiting his place. During the course of the same, it is alleged that the present accused Yogesh used to follow her and on 22.9.2017 administered her some intoxicant substance mixed in a cold drink. Subsequent thereto the accused is alleged to have taken the prosecutrix to an accommodation where she was ravaged. When the victim regained her consciousness, the accused threatened her that he has prepared her video in objectionable state. It was on this pretext when she brought the matter to the knowledge of co-accused Lovkesh, her tutor. He too started taking benefit of her and used to defile her on number of occasions. It is subsequent thereto accused Lovkesh took the girl to a temple and showed his inclination to marry the victim. It was on the basis of the exploitation by the accused, the present case was got registered.

Learned counsel for the petitioner inter-alia contends that the occurrence is alleged to have taken place in the year 2017 and the FIR has been got registered belatedly in the year 2019 and there is no medical evidence to support the allegations of the prosecutrix.

It is submitted that in fact the girl has roped in the petitioner when in fact she was in a relationship with her tutor and has sought to place reliance on photographs numbering five, Annexures P/5.

Learned State counsel assisted by Mr. Mahir Sood, counsel for the complainant have strongly opposed the bail on the grounds that the petitioner has since been declared a proclaimed offender in this case on 31.10.2019. It is further contended that the petitioner along with his co-accused have been instrumental in ravaging a minor girl and in view of the seriousness of the offence, disentitles him to any relief.

Going through the submissions and without adverting on to the arguments of delay and the age of the victim who apparently claims to be a student of 12th class. The story in fact is reflective as to how the tutor and the present accused had taken undue benefit of a minor girl. In the light of the serious allegations that have come up and the fact that the petitioner has been declared a proclaimed offender disentitles him to any relief. The present petition stands dismissed.

August 25, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No