

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

CRM M-23493 of 2020

Date of Decision: August 25, 2020

RavinderPetitioner
Versus
State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. G.C.Shahpuri, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

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

Petitioner Ravinder has come up in this first regular bail application moved under Section 439 Cr.P.C. in FIR No. 37 dated 21.05.2020 registered under Section 376-AB IPC, Sections 4 and 6/14 of the Protection of Children from Sexual Offences Act, 2012 and 67/67-A of the Information Technology Act 2000 (added later on), Police Station Women Kurukshetra,

District Kurukshetra.

The present case was got registered by Ram Chander father of a minor girl aged around 05 years and 06 months. It is alleged that the principal accused Dalip on the pretext of consoling weeping daughter of complainant took her to his quarter and there ravaged her and while in the process, the accused/petitioner Ravinder is alleged to have prepared video of the same and, subsequently, circulated it to others.

Mr. G.C. Shahpuri, learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 25.05.2020 and that there is no malice on the part of the petitioner but in fact gathered the evidence to nail the actual accused Dalip. It is submitted that the trial is not likely to be concluded in the near future.

On behalf of the State strong resistance has been offered by Mr. Mr. Baljinder Virk, DAG, Haryana to the submissions of petitioner's counsel on the grounds of heinousness of the offence.

Going through the submissions what one can decipher from the allegations that the present petitioner in stead of intervening and saving the child from being ravaged had been instrumental in preparing the video of the act. This tantamounts to child pornography and which is a heinous offence as she is alleged to have circulated the video clip to others. The claim of

the learned counsel for the petitioner that it was in good faith to create evidence, the petitioner had done so is a question to be decided at the trial. Thus, finding no merits the present petition stands dismissed.

August 25, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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