

CRM-M-23477-2020

Date of Decision: 24.08.2020

AMARJEET@ NEVI

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Namit Khurana, Advocate
for the petitioner.
Mr. Amrik Singh Narwal, DAG Haryana.
*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*
* * *

VIVEK PURI, J. (ORAL)

Briefly, FIR No.145 dated 24.5.2019, under Sections 365, 376 (3) of IPC, Section 4 of POSCO Act, 2012, Police Station Sadar Yamuna Nagar, District Yamuna Nagar has been registered on the basis of the statement of the father of the victim alleging that she left the house without informing anyone on 24.5.2019. Subsequently, the victim was recovered on 26.5.2019 and her statement was recorded.

It has been pointed out by learned counsel for the petitioner that the victim has not levelled any allegation with regard to commission of forcible sexual intercourse against the petitioner in her statement under Section 164 Cr.P.C. The arrest of the petitioner was effected on 27.5.2019.

On the contrary, it has been pointed out by learned State counsel that the victim, during the course of trial, has supported the prosecution version and levelled allegation of commission of forcible sexual intercourse upon her by the petitioner.

It has been further stated that human semen was found on the clothes of the victim and as per the DNA report, the same had matched with the petitioner. It has been further stated that the prosecution has concluded the evidence and the case is now fixed for defence evidence.

In the instant case, victim is stated to be 15 years of age, she has levelled allegation of commission of forcible sexual intercourse against the petitioner in her deposition during the course of trial, the human semen found on the clothes of the victim had matched with that of the petitioner and the case is now fixed for defence evidence.

In these set of circumstances, no ground is made out to extend the concession of bail to the petitioner.

Dismissed.

24.08.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No