

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28177-2020

Date of Decision:-21.09.2020.

Yusa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Gagandeep Singh Simble, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

Mr. Varun Rana, Advocate for the complainant.

SANJAY KUMAR, J. (Oral)

The petitioner is the sole accused in FIR No.88 dated 02.07.2019 on the file of Police Station Dinanagar, District Gurdaspur, registered under Sections 363 and 366-A IPC (Section 376 IPC and Sections 4 and 6 of The Protection of Children from Sexual Offences Act, 2012, added later on). By way of this petition filed under Section 439 Cr.P.C., he seeks grant of regular bail.

The petitioner claims that an amicable settlement was arrived at by his father and the father of the victim-girl and in the light of their compromise recorded on 27.11.2019, he should be shown indulgence now.

Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab, would however oppose grant of bail to the petitioner.

The victim-girl is stated to be about 13/14 years of age. She was found in the custody of the petitioner on 06.07.2019, after going missing on 30.06.2019. According to the petitioner, he had friendly relations with the victim-girl but her family members did not like it.

Given the tender age of the victim-girl, there is no question of the petitioner claiming any consensual relationship with her. Sexual offences against minors and more particularly, girls of very young age such as the victim-girl in this case, are on the rise and cannot be condoned even if the families of such unfortunate children seek to settle the matter, be it for whatever reason. Such offences constitute serious aberrations in society with devastating consequences for the gullible, tender-aged victims and the State is bound to prosecute these cases so as to send out a strong signal to such wrong-doers. This Court is therefore not inclined to accept the so-called compromise between the fathers of the petitioner and the victim-girl and release him on bail, pending adjudication of the case.

The bail petition is accordingly dismissed.

(SANJAY KUMAR)
JUDGE

September 21, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.