

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

231)

CRM-M-37062 of 2020 (O&M)
Date of Decision: 16.11.2020

Lokender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Raj Kumar, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana

Amol Rattan Singh, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 Pandemic.

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail' upon FIR no.322, dated 06.08.2020, having been registered at Police Station Sector-10, District Gurugram, alleging therein the commission of offences punishable under Section 346 of the IPC and Section 6 of the Prevention of Children from Sexual Offences Act, 2012.

Though learned counsel for the petitioner submits that even in the statement made by the prosecutrix under the provisions of Section 164 of the Cr.P.C., she stated that she had gone wholly willingly with the petitioner and the petitioner had in fact initially refused to take her along with him; however, at least as per the facts presently coming before this court, the girl is seen to have been subjected to sexual intercourse, and with her being 15 ½ years old and with the petitioner being 25 years of age, her consent would be of no meaning.

Consequently, without making any comment on the actual merits of the case, I find no ground to entertain this petition, which is dismissed at this stage.

16.11.2020

(AMOL RATTAN SINGH)

vcgarg

JUDGE

Whether speaking/reasoned

:Yes

Whether Reportable

: No