

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

CRM-M No.40004 of 2019
Date of decision: 2nd March, 2020

Lakhan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Arun K. Singal, Advocate for the petitioner.

Mr. Deepak Manchanda, Addl. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

This is second regular bail application under Section 439 Cr.P.C. moved by petitioner Lakhan in case bearing FIR No.782 dated 27.08.2014 under Sections 312, 376, 406, 506, 120-B IPC pertaining to Police Station Chandni Bagh, Panipat, the first one having been dismissed by this Court on 16.05.2019. The brief facts are as follows:-

The present case was got registered on the statement of complainant prosecutrix, a young unmarried girl aged around 16 years, who alleged that accused Nishant from her village along with his co-accused present petitioner Lakhan often used to waylay and pressurize her to enter into a relationship with them. It is alleged under threat and pressure accused Nishant along with his co-accused Amit, Sandeep and

the present petitioner Lakhan took her to Lakhan's house where under threat and pressure co-accused non-applicant Nishant is alleged to have defiled her and at that time the other three accused were present to facilitate the same. The prosecutrix further alleged that the accused thereafter under this threat and pressure used to defile her repeatedly and got forcible abortion done leading to registration of the present case.

Learned counsel for the petitioner Mr. Arun Kumar Singal, Advocate inter alia contends that the own stand of the prosecutrix details that it was a consensual relationship over a long period of time repeatedly and thus, no cause for any allegation of rape is made out. It is argued that there is nothing suggestive of the fact that the prosecutrix was repeatedly raped or was forced to undergo abortion and that the petitioner is attributed no specific role and is in custody since 15.06.2018 and the trial is not likely to conclude in the near future.

Learned State counsel though has not displaced the facts however has stoutly opposed the bail on the grounds of heinousness of the offence and seriousness of allegations contending that if allowed the petitioner might influence the trial.

Going through the submissions of the two sides, admittedly the victim happens to be a minor unmarried girl at the time of occurrence. How and under what circumstances the investigating agency has failed to attract the offences punishable under the Protection of Children from

Sexual Offences Act, 2012 is reflective of the total insolence. The petitioner was instrumental in facilitating defilement of the minor girl and the apprehension of the State together with the seriousness of allegations does not call for any relief to the petitioner. There being no merit in the present petition, the same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

March 2, 2020
rps

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