

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-4022 of 2021 (O&M)
Date of decision : August 23, 2021

Sonu

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rahul Gautam, Advocate, for the petitioner
Mr. RKS Brar, Addl. AG Haryana

Fateh Deep Singh, J. (Oral)

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

The petitioner Sonu alias Sohan Singh has come up in this second regular bail application under Section 439 Cr.P.C. in case FIR No. 169 dated 10.2.2019, under Sections 376(3), 323, 452, IPC and Section 4 of POCSO Act, 2012, Police Station Sadar Karnal, the first one has been declined vide orders dated 23.10.2019.

The allegations against the petitioner has been levelled by the father of a girl victim aged around 14 years. The brief allegations are that on 7.2.2019 while the parents had gone for their daily labour engagement and when they returned back around 2.00 PM, saw the accused inside their dwelling unit and on seeing the complainant hid under the cot in the room and was apprehended. The girl disclosed to the complainant how she has been defiled by the accused leading to the registration of the present case.

Learned State counsel has vehemently argued that it is a case where the petitioner has been apprehended red handed. The girl had testified before the trial court as to how she was defiled by the accused. The State counsel has sought to oppose the bail on the grounds of heinousness of the offences and minority of the girl victim.

Learned counsel for the petitioner has submitted that even earlier FIR No. 42 was got registered against the petitioner by the victim and in which the accused-petitioner was acquitted. It is contended that there is no medical evidence to support the allegations of rape and has sought to claim that the petitioner is behind the bars for more than two years and five months.

Appreciating the submissions, in the previous case got

lodged at the behest of the present complainant, no doubt accused was acquitted on account of resiling of the witnesses apparently due to settlement between the parties. The girl is a minor and the accused-petitioner has been caught red handed by the parents and therefore, the very legal worth of medical evidence at this juncture would not be of any help to the petitioner. Out of 15 witnesses, the prosecution has already examined 11 witnesses and mere period of incarceration is no ground to allow the bail. In view of the seriousness of the offence does not entitle the petitioner to any relief. The present petition stands dismissed.

August 23, 2021
'tiwana'

(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>