

205-2

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

CRM-M No.6806 of 2020

Date of Decision : 14.01.2021

Saahil

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : None for the Petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab
for the Respondents.

SUDIP AHLUWALIA, J. (ORAL)

This is a Petition for regular bail filed under Section 439 Cr.P.C. on behalf of the Petitioner in case FIR No.142 dated 11.07.2019, under Section 370(A)/376 of the IPC, Sections 3/4/5 of the Immoral Traffic Prevention Act, 1956 and Section 17 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station City Sangrur, District Sangrur.

2. Ld. State Counsel has sent up by E-mail a copy of the Certificate issued by the Principal of the Primary School-Padaria Dalelpur, District Shahjahanpur (U.P.) dated 26.07.2019, which goes to show that Date of Birth of the Victim as available in the School Records happens to be 15th of June, 2001. This would therefore go to indicate that she had not crossed the age of majority till at least before one month prior to lodging of the FIR on 11th July, 2019.

3. In this view of the matter, this Court is of the opinion that considering the gravity of the offences involved, the Petitioner who has

been identified in Court as one of the boys who committed rape upon the Victim, with the abetment of co-accused Kamaljit Kaur at a time when she apparently had not crossed the age of majority.

4. The Petitioner is not entitled to claim parity with one Renu Kaur, who was granted Regular Bail by this Court in CRM-M No.15618 of 2020 since perusal of the relevant order (Annexure P-3) in connected case (CRM-M No.20953 of 2020) specifically goes to show that association of the said Renu Kaur with the Petitioner had apparently started after 15th June, 2019, when she had already crossed the age of majority.

5. It further transpires that so far 07 out of 16 witnesses cited, have been examined on behalf of the Prosecution side. The next date for Prosecution evidence happens to be 19th of this month.

6. Earlier the Trial had become interrupted due to on-set and prevalence of the Covid-19 Pandemic when the Courts were not functioning normally but from this week the regular functioning of the Subordinate Courts has resumed.

7. In view of all the above circumstances and considering the gravity of the offence involved i.e. sexual exploitation of a minor girl by various persons both male and female including the present Petitioner, this does not appear to be a fit case to release him, at this stage and the Petition is therefore dismissed.

January 14, 2021

Dpr

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No