

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12980 of 2021
DECIDED ON: 19th April, 2021

SANDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Avtar Singh Syan, Advocate
for the petitioner.

Ms. Dimple Jain, A.A.G., Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference
due to COVID-19 situation.

This petition is filed for grant of regular bail in case FIR
No.114 dated 27.02.2019 registered under Sections 354, 363, 366-A, 376
IPC and Sections 4 and 8 of the POCSO Act, 2012 at Police Station
Samalkha, District Panipat, Haryana.

The FIR was registered at the instance of father of the
prosecutrixes (names withheld), who were 16 and 13 years of age and went
missing on 26.02.2019. It was stated that Sandeep (petitioner) had
abducted daughters of complainant with the intention to marry the elder
one. After registering the FIR, the girls were recovered by the family
members of the parties from *Meerut*.

Learned counsel for the petitioner argues that the petitioner is

in custody since 01.03.2019. There are contradictions in the statements. The prosecutrix, who was 16 years of age, was a consenting party. The contention is that the conclusion of trial is likely to take time and the DNA report is still awaited.

Learned State counsel opposes the prayer for bail by submitting that the prosecutrices are yet to be examined. The consent of minor victim will not be material. It is, further, argued that there may be contradiction in the statement made by 13 years old prosecutrix, whereas, 16 years old prosecutrix had supported the allegations in her statement made under Section 164 Cr.P.C. She further relies upon the FSL report to submit that *semens* were detected.

Considering the age of both the prosecutrices, no case is made out for grant of bail, merely on the custody period. It is worth noting that the prosecutrices are yet to be examined. The argument of consensual relationship will not be of much help, considering age of prosecutrices. The allegations have been supported in the statement made under Section 164 Cr.P.C.

No case is made out.

The petition is dismissed.

However, it is clarified that nothing stated here-in-above shall be construed as an expression of opinion on the merits of the case. The observations are only for the purpose of disposal of the bail petition.

19th APRIL, 2021

gurpreet

**(AVNEESH JHINGAN)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>