

CRM-M-20701-2021
Date of Decision: 08.06.2021

SONU ... PETITIONER
VS.
STATE OF HARYANA .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Shivraj Angi, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Reply by way of affidavit of Om Parkash, Deputy Superintendent of Police, Panipat has been placed on record.

By this petition, the petitioner is seeking regular bail in case bearing FIR No. 376 dated 27.05.2019 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 376AB IPC registered at Police Station Model Town, District Panipat.

Precisely, the allegations against the petitioner are to the effect that on 27.05.2019, the petitioner had committed rape upon the victim, who is aged about 06 years.

It has been contended by learned counsel for the petitioner that he is in custody since 27.05.2019, the parents of the victim have not supported the case and conclusion of trial is likely to take some time.

On the contrary, it has been argued by learned State counsel that the petitioner has committed rape upon a child aged about 06 years who

has also supported the version of the prosecution during the course of trial. Furthermore, the blood was found in the swabs and the DNA profile had also matched with the petitioner as per the report of FSL. It has been further stated that 10 witnesses have already been examined in the instant case.

It is significant to note that there are serious allegations of commission of rape upon a victim who is stated to be aged about 06 years. Merely because the parents of the victim have not supported the prosecution version or the trial is not progressing on account of restricted hearing of the Courts due to Covid-19 Pandemic, cannot be termed to be a circumstance to extend the concession of bail. It is significant to note that the victim has supported the prosecution version. In the reply, it has been specifically and categorically mentioned that the petitioner had also been identified by the victim in the trial Court. As per the DNA report, the same has matched with that of the petitioner. The long incarceration cannot be termed to be a circumstance to extend the concession of bail, particularly, because the case of the petitioner does not fall in the category of the cases in which bail/interim bail has to be granted as per the orders of High Powered Committee.

Keeping in view the entire circumstances of the case, no justified ground is made out to extend the concession of the bail to the petitioner.

Dismissed.

08.06.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No