

CRM-M-21770-2021

Date of decision: 04.08.2021

Jaibir

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Kartar Singh, Advocate
for the petitioner.Mr. Anmol Malik, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J.**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Report of the FSL has been received on WhatsApp. Office to place on record the hard copy of the same.

The allegations against the accused/petitioner-Jaibir, who is a married person, have come across from Subhash, father of minor girl, aged around 16 years and 07 months. The father disclosed that his daughter divulged to him that the accused was in a relationship with her and under that guise, had been defiling her repeatedly. It is further alleged that from 11.09.2019 to 14.09.2019, the accused along with his co-accused, kept the victim in a room and repeatedly the accused/petitioner had defiled her. Statement of the prosecutrix was also recorded under Section 164 Cr.P.C. and her medical too,

was got conducted.

Learned counsel for the petitioner has contended that the petitioner is behind the bars since one year and has a small minor child and a wife to look after, thus, praying for regular bail on the ground that the trial is likely to be prolonged.

The learned State counsel has vociferously opposed the grant of bail on the grounds that the minor girl has been repeatedly defiled by the married man and on the grounds of heinousness of offences, the petitioner does not entitle any relief.

The *prima facie* allegations bear out that the victim, at the time of crime, was minor. There are allegations that the petitioner had been intimidating the girl that he had prepared her video in a compromising position and on that pretext, had been defiling her. The girl at no instance had claimed that the petitioner ever forced her into this act.

However, keeping in view that admittedly the girl is minor, the petitioner is a married man with a child and, therefore, such an act, even with the consent of a minor victim, does not come to the aid of the petitioner. Mere incarceration is no ground to seek bail and, thus, finding no merit, the present petition stands dismissed.

04.08.2021

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No