

105

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

CRM-M-37845-2021

Date of decision : 13.09.2021

Ritesh Kumar

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner and for issuing directions to the Investigating Officer to release him in case FIR No.250 dated 16.08.2021, under Sections 8, 12 of POCSO Act, 2012, at Police Station City Thanesar, Kurukshetra.

As per the factual matrix of the case, the present FIR was lodged by Mahender Singh, who is the grandfather of the victim. It has been alleged that his daughter-in-law, Amarjeet Kaur, is working on the post of Guest Teacher, whereas, his son, Sandeep Kumar, is abroad. It has been alleged that his granddaughter aged 15 years is studying in 10th class in

Maharana Pratap School, Sector-13, Kurukshetra. The friend of his granddaughter made a trap for his granddaughter so as to make her fall in the trap of petitioner-Ritesh Rohilla and his friend Anshul Sharma @ Divanshu. Thus, whenever his granddaughter go out of the house, both these boys used to chase her. Out of hesitation, it was not brought to the notice of the parents but the father of the petitioner was complained about the misbehaviour of the petitioner. It has been further alleged that his daughter-in-law Amarjeet Kaur used to remain under tremendous pressure due to the misbehaviour of the petitioner and on being fed up from the behaviour of the petitioner and his friend, she committed suicide on 15th August, 2021. Request was made to take legal action against the culprits.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the FIR as the victim was having friendly relations with the petitioner. He submits that the relationship if at all between the petitioner and the victim was consensual thus, no offence as alleged is made out against the petitioner. He further submits that no abetment can be attributed to the petitioner for the alleged suicide of the mother of the victim and thus, the petitioner deserves the concession of bail.

I have heard learned counsel for the petitioner and perused the record.

The arguments raised by learned counsel for the petitioner regarding the consensual relationship would be meaningless as the victim is minor. Even from the statement under Section 164 Cr.P.C. recorded, the victim has levelled the specific allegations against the petitioner and hence, there is no force in the arguments raised by counsel for the petitioner.

Evidently, the petitioner is accused in two FIRs i.e. present FIR No.250 and another FIR No.372 dated 18.08.2021 under Section 306 IPC.

I find that the petitioner does not qualify the parameters laid under Section 438 Cr.P.C. for granting the anticipatory bail, thus, custodial interrogation is required in the present case. The petition devoid of any merits, is hereby, dismissed.

13.09.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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