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

CRM-M-42600-2021

Date of Decision: October 11, 2021

Parveen

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Dr.Deepak Jindal, Advocate
for the petitioner.

Mr.Apoorv Garg, DAG, Haryana.

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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.

Present petition has been filed praying for grant of anticipatory bail to the petitioner in case FIR No.242, dated 08.07.2021, under Sections 6 of POCSO Act and Sections 376, 506 IPC, registered at Police Station Ladwa, District Kurukshetra.

The FIR in question was lodged by the victim (name withheld). It was alleged that in the year 2019, when she had gone to her Mama's house, there the accused, who is brother of her Mami and who is employed in Army, had also come there. She got acquainted with Parveen who called her in August 2019 in Ladwa Divine Hotel and did a wrong act with her. When the victim asked him for marriage, she was threatened to be killed. The victim told the same to her family members and as a result, the

present FIR was lodged for taking action against the petitioner.

Apprehending his arrest, the petitioner approached the learned Additional Sessions Judge, who declined his prayer vide its order dated 30.09.2021. Feeling aggrieved, the petitioner has approached this Court.

Counsel for the petitioner has vehemently argued that the present case is totally false and frivolous. He would submit that the petitioner is serving in Army and is closely related with the victim. He submits that the alleged occurrence took place in the year 2019 whereas the present FIR has been lodged after two years. He would submit that the delay itself would show that the allegations are false and frivolous. He submits that the petitioner is ready to join the investigation and hence, he should be granted the concession of anticipatory bail.

On the other hand, learned State counsel has vehemently opposed the submissions made by the counsel for the petitioner. He would submit that the delay of two years would be meaningless in the facts and circumstances of the present case. He submits that the victim is minor and the offence alleged is serious in nature. He has submitted that the victim was medico legally examined and her statement under Section 164 Cr.P.C. was recorded by the Magistrate. He submits that the petitioner had earlier filed the similar petition before the Hon'ble High Court and the same was withdrawn on 14.09.2021. He submits that in the overall facts and circumstances, the petitioner deserves no leniency and for a thorough investigation, custodial interrogation of the petitioner is required. He prays that the petition be dismissed.

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

Admittedly, the petitioner is serving in Army and the victim is minor. The delay of two years in lodging the FIR in the facts and circumstances of the case, would have no bearing on the merits of the case. Learned counsel for the petitioner has relied upon the compromise arrived at between the petitioner and the victim. In the facts and circumstances, the nature of the allegations pertains to heinous offence and hence, the alleged compromise would be of no consequence. The matter is under investigation and releasing the petitioner on anticipatory bail would have direct bearing on the investigation of the case.

Hence, in the overall facts and circumstances, this Court is of the opinion that the petition being devoid of any merit should be dismissed. Ordered accordingly.

October 11,2021
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(RAJESH BHARDWAJ)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether Reportable ? | Yes/No |