

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-3068 of 2021

Date of Decision: 27th January, 2021

Karamjit alias Sunny

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Deepak Vashishth, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.183 dated 13.08.2019 under Sections 328, 342, 450, 365, 506, 34 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Uchana, District Jind.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in this case inasmuch as the petitioner and his mother were mercilessly beaten up by the complainant and that the petitioner and his mother were taken for medical treatment and their MLRs have been recorded on 13.08.2019 at 08.40 a.m. and 09.45 a.m., respectively. Learned counsel has further contended that there are no injuries which have been found on the person of the Prosecutrix.

Learned State counsel on instructions from ASI Ravinder Kumar has stated that the petitioner has not been able to explain as to why merciless beatings were given to the petitioner. In fact, the FIR was lodged

on the complaint of Ram Mehar whose 14 years old daughter was raped by the petitioner. Learned State counsel has further contended that the Prosecutrix is 14 years of age and has supported the case of prosecution in her statement recorded under Section 164 CrPC.

I have heard learned counsel for the parties.

In the present case, the allegations are that on the night of 12.08.2019 the petitioner, Sunny @ Karamjeet, entered the house of the Prosecutrix and kidnapped her after gagging her mouth and, thereafter, committed rape on her and threatened to kill her. At about 03.00 a.m., when the complainant i.e. father of the Prosecutrix woke up, he found that his daughter was not on her cot. He searched but could not find her and while searching for her reached the house of Basau where the Prosecutrix was found in a room upstairs. The present petitioner is alleged to have been present there and on seeing them fled away from the spot. Thereafter, the Prosecutrix disclosed that the rape had been committed upon her and on the basis of said complaint present FIR was lodged.

The story, as set up by learned counsel for the petitioner, is rather unbelievable inasmuch as the learned counsel for the petitioner has contended that the petitioner had been mercilessly beaten up. However, no reason for the said alleged beatings is forthcoming. In the FIR, it has been clearly alleged that at 03.00 a.m. the father of the Prosecutrix woke up and started searching and found the Prosecutrix in the house of Basau, where the petitioner, Sunny @ Karamjeet, was present. The petitioner is alleged to have gone for his treatment where the MLR was recorded at about 08.40 a.m. The argument of learned counsel for the petitioner that the present FIR is a

cannot be gone into at this stage. Further, it is also rather strange that though it has been alleged that both the petitioner and his mother had been beaten up at the same time by the complainant, however, the petitioner is stated to have been taken to the hospital at about 08.40 a.m. and his mother an hour later, though, as per the argument raised by learned counsel for the petitioner, both of them were mercilessly beaten up. Be that as it may, the said facts cannot be gone into at this stage.

In the present case, a 14 years old minor girl has been subjected to rape and she, besides her medical examination, has supported the version of the prosecution in her statement recorded under Section 164 CrPC.

In view of the above, I do not find it to be a fit case to grant regular bail to the petitioner at this stage.

Dismissed.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

(ALKA SARIN)
JUDGE

27th January, 2021
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO