

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105

CRM-M-10410 of 2022
Date of decision:11.03.2022

Pavitra Devi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jagmohan S.Ghuman, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

SUVIR SEHGAL J.

Heard through video conferencing.

Vide the instant petition filed under Section 438 Cr.P.C, the petitioner seeks grant of pre-arrest bail in case FIR No.48 dated 07.02.2022 registered for offences under Section 376(2)(n), 354, 120-B of Indian Penal Code, 1860 (Sections 4 and 10 of Protection of Children from Sexual Offences Act, 2012 have been added later on) at Police Station Farrukhnagar, District Gurgaon (Annexure P-1).

As per the version of the prosecution, FIR (Annexure P-1) has been registered on a complaint lodged by 18 years old girl (for short “the prosecutrix”) on the allegation that for the last many years, she is being sexually assaulted by her uncle, Rambir Singh and his son Praveen. She confided in her aunt, Pavitra Devi (present petitioner), but she sided with her

husband and son and told the prosecutrix not to disclose the incidents to anyone.

Heard counsel for the parties.

The prosecutrix has levelled specific allegations against accused Rambir Singh and his son Praveen of sexual harassment and assault for the last many years. She has supported her allegation in her statement under Section 164 Cr.P.C, which has been referred to by the State counsel during the course of arguments, wherein, the prosecutrix has stated that mental condition of her mother is not stable and her uncle, Rambir Singh adopted her when she was very young and for the last four years, she is being raped by him. Petitioner, who is a close relative on being taken into confidence, by a young and innocent girl, has chosen to cover up the unfortunate incidents and instead of coming to the aid of the prosecutrix advised her to suppress the happenings.

Considering the fact that the prosecutrix has been undergoing agony at the hands of close relations and for the last four years, she did not have the courage to come forward and submit any complaint, this Court is of the view that grant of anticipatory bail to the petitioner, who is a relative would only create more difficulties for the prosecutrix.

Keeping in view the totality of facts and circumstances of the case, the serious nature of allegations against the petitioner, this Court is of the view that the petitioner is not entitled to the grant of concession of anticipatory bail.

Petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

March 11, 2022
savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes