

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

**CRM-A-56-2020
Decided on : 17.05.2022**

Satpal

.....Applicant

Versus

State of Haryana and another

.....Respondent

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr. Amit Chaudhary, Advocate for the applicant.

Mr. Rajesh Gaur, Addl. AG, Haryana
for respondent No.1.

G.S. Sandhawalia, J.

Application for leave to appeal has been filed against the judgment of the Special Court dated 07.02.2019 by the complainant Satpal, brother of the prosecutrix. The State had preferred application for leave to appeal bearing CRM-A-1488-2019, which had been dismissed by the Coordinate Bench by giving the following reasons:-

“2.This is an application for leave to appeal filed by the State of Haryana against the acquittal of the respondent in case FIR No.414 dated 07.12.2017 registered under Sections 365 IPC and Section 4 of POCSO Act at P.S. Bhuna by Judge (Special Court), Fatehabad vide order dated 07.02.2019.

3. As per the complaint the sister of the complainant had been enticed away by the respondent. They were both recovered together. However in her statement the girl claimed to be about 17 years old and stated that she had gone with the respondent on her own free will. In paragraph 36 of the impugned judgment the Trial Court has given cogent reasons for coming to the conclusion that she was not a minor.

4. Learned Deputy Advocate General has not been able to point out any objective evidence which may lead to the conclusion that she was a minor because the date of birth furnished was only a

photostat copy which the investigating agency had claimed was given to them by the girl but which the girl denied.

5. In the circumstances, we see no reason to take a different view to that taken by the Trial Court. Leave to appeal is declined.

6. Since the main case has been dismissed, the pending Crl.Misc. Application, if any, also stands disposed of.”

Keeping in view the above, we are bound by the reasoning given by the coordinate Bench and do not feel that there is any reason as such to take a different view.

Accordingly, present application for leave to appeal stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

May 17, 2022
Naveen

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No