

205 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21630-2021

Date of decision: 18.02.2022

Raju Kumar alias Mahato

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vishavjeet Singh Rishi, Advocate
for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

RAJESH BHARDWAJ, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.278 dated 22.11.2019 under Sections 363, 366-A, 120-B of IPC and later on added Section 376 of IPC and Sections 4 and 5 of the Prevention of Children from Sexual Offences Act, 2012, registered at Police Station, Sahnewal, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner is behind the bars since 25.11.2019 and is a young boy of 25 years. On the other hand, the prosecutrix is 17 years old. He further submits that after the recovery of the prosecutrix, her statement under Section 164 Cr.P.C. was recorded, wherein, she emphatically deposed that she went with the petitioner on her own will and without any coercion and hence, it was a consented relationship.

On the other hand, learned State counsel has submitted that the prosecutrix is minor and hence, her consent has no legal sanctity in the eyes

of law. She further submitted that in all, there are 18 prosecution witnesses, out of which, 07 are examined including the prosecutrix and the complainant. She further submitted that the material witnesses had duly supported the case of the prosecution. She further submits that at the time of registration of the FIR, the prosecutrix was pregnant and the sample of the foetus was sent for DNA examination and as per the report received, the same was matched with the petitioner, which corroborates the ocular version of the prosecutrix, medically.

In over all facts and circumstances, I do not find it a fit case for granting the bail, at this stage.

However, in view of the fact that the petitioner is behind the bars for the last more than two years i.e. from 25.11.2019, the learned trial Court is requested to expedite the trial and conclude the same, expeditiously.

(RAJESH BHARDWAJ)
JUDGE

18.02.2022

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Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No