

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.No.33270 of 2022 in/and
Criminal Misc.-M No.23894 of 2022 (O&M)
Date of Decision: September 08, 2022

Suraj alias Suraj Praja Patt

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Abhinav Sood, Advocate,
for the petitioner.

Mr.Sukhdeep Parmar, DAG, Haryana.

Mr.Parshant Sethi, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

CRM-33270 of 2022

Prayer in the application is for preponing the date of hearing in
the main case.

For the reasons mentioned in the application, the same is
allowed and the date of hearing is preponed to today.

CRM-M-23894 of 2022

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail, pending trial in case FIR No.46 dated 23.02.2020,
under Sections 450, 506 IPC, 1860 and Section 6 The Protection of
Children from Sexual Offence Act, 2012, registered at Police Station,
Woman NIT, Faridabad, District Faridabad, who is in custody since his

arrest on 23.02.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Faridabad in para 7 of his order dated 05.05.2022 while dismissing the bail application of the petitioner, are as under:-

“7. Present FIR was registered on the basis of complaint moved by the prosecutrix with the averment that, in the month of October 2019, her mother went to her maternal home and she resided with her brother, aunt (mausi) and father. It is mentioned in the complaint that, when her father went for work and her brother went to school, her uncle Suraj entered in her house. At that time her mausi had also gone for sewing class. He forcibly committed rape/penetrative sexual assault upon the prosecutrix aged 15 years and also threatened to kill her. Thereafter, again on two-three occasions, he committed aggravated penetrative sexual assault upon her. On 22.02.2020, prosecutrix was having severe pain in stomach and gone to doctor, who informed them that she is pregnant. Legal action against the accused was prayed for by the prosecutrix”.

Learned counsel for the petitioner has argued that the petitioner is in custody since 23.02.2020 and no useful purpose would be served by keeping him in custody as the trial of the case will take long time to conclude because only six prosecution witnesses have been examined so far out of total twenty four witnesses. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by PSI Sweety, as well as counsel for the complainant on the ground that the material witnesses, i.e., prosecutrix and her parents, have been examined, who have supported the prosecution version. It is pointed out that at the time of occurrence, the age of the victim was approximately fifteen years and the crime resulted in pregnancy and later

the prosecutrix delivered the child also. Learned State counsel has further relied upon the scientific evidence to contend that the DNA report of the child matches with the DNA of the accused. It is prayed that the petition be dismissed.

After hearing the learned counsel for the parties and considering the above background, this court finds that the case of prosecution against Suraj, who is uncle of the victim, is that he entered the house and committed rape upon the child, therefore, considering the seriousness of the offence, it is not a fit case for extending the concession of regular bail to the petitioner, at this stage.

Dismissed.

September 08, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No