

PAWAN MEHTA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sanjay Jain, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

VIVEK PURI, J. (ORAL)

Ms. Harmanpreet Kaur, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney, which is taken on record.

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Petitioner is seeking regular bail in the case bearing FIR No.56 dated 20.10.2020, under Sections 363/366 IPC and Sections 6/12 of POCSO Act, registered at Police Station Sector-9, Ambala City.

Briefly, as per the allegation of the prosecution, the victim is aged about 16 years and on 16.10.2020, she went missing from the house.

Learned counsel for the petitioner contends that the victim is aged about more than 18 years and victim was a consenting party.

On the contrary, learned State counsel has opposed the bail application on the score that the date of birth of the victim is 10.05.2004 as reflected in the school record. Furthermore, in her statement recorded in the Court, the victim has imputed specific and categoric allegations to the effect that the petitioner had regularly committed rape upon her. Even, the victim was

Learned counsel for the petitioner has sought rely upon the statement of the Dr. Vikas Paul to argue that as per radiographical assessment, the estimated age of the victim has been stated to be 17 to 18 years and in such circumstances, it cannot be construed that the age of the victim can be more than 18 years. However, the material record also indicates that there is a school record wherein the date of birth of the victim has been recorded as 10.05.2004. There is a categorical statement of the victim that the petitioner has committed rape upon her. Even, the victim has been recovered from the house of the petitioner.

In such circumstances, it may not be appropriate to conclude that the victim is aged more than 18 years and was a consenting party.

In view of the above, the present petition is dismissed.

29.07.2022
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(VIVEK PURI)
JUDGE

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