

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 214

CRM-M-28157-2022

Date of decision : 01.09.2022

Bobby

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sudhanshu Makkar, Advocate, for the petitioner.

Ms.Sheenu Sura, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.353 dated 29.08.2021 registered under Sections 376 (N), 313 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station, Pinjore, District Panchkula.

The victim filed a complaint with the police as per which she fell in love with the petitioner; they both developed physical relations; in July, 2021 she became pregnant; when she disclosed this fact to the petitioner he brought some pills for her to abort her pregnancy which she took; this led to heavy bleeding and she was then taken to the hospital for treatment.

On the basis of the above complaint the FIR in question was lodged and the petitioner was arrested. The matter was then investigated leading to the filing of a report by the State under Section 173 Cr.P.C. on the basis whereof the petitioner was chargesheeted and is presently facing trial.

Learned counsel for the petitioner contends that the petitioner is a 19 year old boy; he has no other criminal antecedents; he is in custody since 29.08.2021; the ossification test as also the doctor's statement made by him in the petitioner's trial show that at the time of the alleged incident the alleged victim had

already attained majority; all material prosecution witnesses, including the alleged victim, stand examined in the petitioner's trial and therefore the petitioner is in no position to influence his trial and that since 11 prosecution witnesses still remain to be examined, the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he raped a minor girl as also gave her pills which led to abortion.

As per the ossification test report the alleged victim is aged between 17.5-19.5 years. The doctor who conducted the ossification test, while appearing in the petitioner's trial has also stated to the same effect. Therefore whether the alleged victim had attained majority at the time when the alleged offence is said to have been committed is debatable. Nonetheless, the petitioner is a 19 year old boy; he does not have any other criminal antecedents; he is in custody for over one year; all material prosecution witnesses, including the alleged victim, have already been examined and that since 11 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the concerned CJM/Duty Magistrate, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

01.09.2022
shamsher

Whether speaking/reasoned

Whether reportable

:

Yes / No

Yes / No

[DEEPAK SIBAL]

JUDGE