

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

277

CRM-M-46522-2022

Date of decision : 08.12.2022

Gobind

..... Petitioner

V/S

State of UT, Chandigarh

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Naveen Kumar, Advocate, for the petitioner.

Mr. Anupam Bansal, APP, UT, Chandigarh.

AMARJOT BHATTI J. (ORAL)

The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.94 dated 12.08.2021, under Sections 376 (2) (f), 376 (2) (n), 376 (3) of IPC and Section 6 of POCSO Act, registered at Police Station Mauli Jagran, Chandigarh.

As per the facts of the case Kasana gave her statement to the police that she was residing at Raipur Kalan, Police Station Mauli Jagran, Chandigarh, for the last about four years. Her sister-in-law Phoolmati was also residing at Raipur Kalan for the last 20/25 years. In 2020 due to lockdown, Phoolmati along with her family and she along with her own family, left for their native village. They left her elder daughters at Raipur Kalan Chandigarh, whereas Gobind S/o Phoolmati also stayed back. They were sharing one rented room. Phoolmati and she returned back from their native village one month ago. Her daughters are working as house maids. The victim who is about 16

years old had gone to Yamuna Nagar on 05.08.2021 and in the morning she had pain in her stomach. The landlord took her to Masih Hospital at Yamuna Nagar, for treatment, where the victim delivered a girl child. The complainant alleged that victim was sexually exploited by Gobind, for the last several months and due to this she got pregnant. With these allegations present FIR has been registered.

The counsel for the petitioner argued that petitioner is in custody, since 14.08.2021. The prosecution evidence is going on. The conclusion of trial may take some time. The age of the victim was recorded as 18 years in the hospital record. He is being falsely implicated in this case. He will abide by the terms of bail order and it is prayed that his regular bail application may be allowed.

The application is opposed by the learned counsel representing the UT Chandigarh.

I have gone through the record, the petitioner is the first cousin of the victim, who was allegedly minor at the time of commission of offence. It has further come on record that the victim got pregnant and gave birth to a premature child, who later on expired. The statements of victim as PW-2 and complainant-Kasana as PW-12 have been recorded.

Considering, the nature of offence and its gravity, I do not find a fit case for regular bail and the same is accordingly declined.

(AMARJOT BHATTI)
JUDGE

08.12.2022

Sunil Devi

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No