

CRM-M-10581-2023 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-10581-2023 (O&M)**  
Date of Decision:- 11.10.2023

**Vijay Kumar**

....Petitioner

Versus

**State of Punjab**

...Respondent

**CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Amitabh Tewari, Advocate and  
Mr. Satish Bansal, Advocate  
for the applicant/petitioner.

Mr. Rohit Ahuja, DAG Punjab.

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**AMARJOT BHATTI, J. (Oral)**

**CRM-29932-2023 & CRM-32388-2023**

Learned counsel for the applicant/petitioner filed two separate applications under Section 482 Cr.P.C. for placing on record the cross-examination of complainant Raj Kaur (Annexure P-14), further cross-examination of complainant Raj Kaur dated 28.07.2023 (Annexure P-15) and examination of victim dated 01.06.2023 (Annexure P-16).

For the reasons enumerated in the applications, the same are allowed and accompanied documents Annexures P-14 to P-16 are taken on record.

**CRM-M-10581-2023 (O&M)**

1. The petitioner – Vijay Kumar has filed the present second petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 0244 dated 18.10.2021 registered under Section 376-AB I.P.C. and Section 6 of The Protection of Children from Sexual Offences Act, 2012 at Police Station Kotwali Nabha, District Patiala.

2. The facts of the case are that the complainant Raj Kaur gave her statement to the police that she is mother of two sons and a daughter. The victim is 3 years old. She had gone to meet her niece Gogi alias Charanjit Kaur who is residing in Bhai Veer Singh Colony, Nabha. She went there on 09.10.2021 along with her younger son Harman Singh and daughter i.e. the victim. The husband of her niece namely Vijay Kumar used to take her daughter outside the house on the pretext of giving her some eatable snacks. The victim did not want to accompany him and started weeping. She suspected that Vijay Kumar was doing something wrong with her daughter. On 15.10.2021, she returned home and when the child was taken to bathroom she was crying. On enquiry the child disclosed that she was sexually abused by Vijay Kumar. The child was taken to Rajindra Hospital, Patiala for treatment on 17.10.2021 and as per record he was discharged on 21.10.2021. The matter was investigated and the present FIR has been registered.

3. The learned counsel for the petitioner argued that all the allegations levelled against the petitioner are false. He is falsely implicated in this case as he was having money dispute with the complainant. It is pointed out that there was no mark of injury on the person of said victim.

Copy of MLR is Annexure P-3. There is no allegation to constitute offence

under Section 376 AB of I.P.C. He was arrested on 30.01.2022. Since then he is behind the bars. His anticipatory bail application as well as first regular bail application were rejected. The copies of orders dated 18.11.2021 and 08.03.2022 are Annexures P-5 and P-6 respectively. Challan in this case has been presented. The complainant has effected compromise. Copy of agreement dated 05.04.2022 is Annexure P-7 and copy of receipt executed by Raj Kaur is Annexure P-8. The present petitioner is having medical history. Trial of this case may take long time. He is ready to abide by the terms of bail order. It is prayed that his second regular bail application may be allowed.

4. The bail application is opposed by learned counsel representing the State. The detailed status report is filed. It is pointed out that the victim in this case is three years old child who was sexually abused. The child remained admitted in the hospital. The allegations are specific and serious in nature. The present petitioner is involved in three other cases bearing FIR No. 141 dated 10.06.2021 under Section 323, 341, 34 IPC, Police Station Kotwali Nabha, District Patiala, FIR No. 215 dated 07.08.2021 under Section 353, 186, 323 IPC, Police Station Sadar Nabha, District Patiala and FIR No. 17 dated 19.01.2023 under Section 52-A Prison Act, Police Station Tripuri, District Patiala. Considering the gravity of offence, the petitioner does not deserve a lenient view and prayed that his second regular bail application may kindly be declined.

5. I have considered the arguments and have gone through the record. The first regular bail application filed by the present petitioner in CRM-M No. 46433 of 2022 was declined on merits vide order dated 30.01.2023, which is Annexure P-12. Therefore, this is the second regular

bail application filed by the petitioner. Along with bail application, the petitioner has also placed on record copy of one settlement/agreement Ex.P-7 and alleged receipt Ex.P-8, which were also relied upon while filing the first regular bail application. The offence is serious and non-compoundable, therefore, the settlement claimed by the present petitioner cannot be looked into. Rather, the conduct of present petitioner clearly indicates that he is trying to influence the witnesses during the pendency of the trial. It is matter of record that the prosecution witnesses are being examined. The present petitioner has placed on record the copy of statement of the complainant PW-1, Annexure P-14 to P-16. The testimony of witnesses can be seen at the time of final adjudication of the case. The treatment record of the victim of Government Rajindra Hospital, Patiala is on the record. The child remained under treatment. The medical record, bed head ticket cannot be ignored. Therefore, considering the nature of offence and its gravity as well as the conduct of present petitioner, I do not find a fit case for second regular bail and the same is accordingly, declined.

Since, the petitioner is behind the bars for the last 1 year 9 months, therefore, the trial Court is directed to expedite the trial.

The application is accordingly, disposed of.

11.10.2023

*lalit*

**(AMARJOT BHATTI)**  
**JUDGE**

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