

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

CRM-M-19617-2023

Date of Decision: 22.08.2023

PAWAN MEHTA

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Kiran Bala Jain, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Ms. Harmanpreet Kaur Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

1. Petitioner is seeking regular bail in case bearing FIR No. 56 dated 20.10.2020 under Sections 363, 366 IPC and Sections 6 and 12 of Protection of Children from Sexual Offences Act, registered at Police Station Sector 9, District Ambala City.

2. Custody certificate has been taken on record.

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

4. Learned counsel for the petitioner contends that the victim was aged more than 18 years and was a consenting party. Moreover, there are discrepancies in the statements of the witnesses, with regard to the age and parentage of the victim.

5. 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 per 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 been regularly committing rape upon her. Even the victim was recovered from the house of the petitioner and the DNA report is positive in the instant case. The prosecution evidence has been concluded and the case in the trial Court is fixed for defence evidence. Moreover, the earlier bail application of the petitioner has been dismissed by a speaking order dated 29.07.2022.

6. It is significant to note that there is a categoric and specific statement of the victim to the effect that the petitioner had been regularly committing rape upon her and she was recovered from his house. The report of DNA analysis also implicates the petitioner with the commission of crime. As per the School record, the victim was aged about 16 years at the time of occurrence. The effect of discrepancies in the case of the prosecution, if any, is to be looked into by the trial Court at the appropriate stage. Moreover the prosecution has concluded the evidence and the case in the trial Court is fixed for defence evidence.

7. In these circumstances, no justified ground is made out to extend the concession of bail to the petitioner.

8. Dismissed.

22.08.2023

Janki

**(VIVEK PURI)
JUDGE**

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