

326

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

CRM-M-26925-2023

Date of Decision:- 19.09.2023

Pawan alias Gurdev alias Poni

...Petitioner

Vs.

State of Haryana

... Respondent

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Naveen Siwach, Advocate
for the petitioner.

Mr. N.S. Behgal, AAG Haryana.

AMARJOT BHATTI, J. (Oral)

1. The petitioner – Pawan alias Gurdev alias Poni has filed the second petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 32 dated 26.05.2021 under Sections 342, 366A, 376(2)(L), 363 of I.P.C. and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Women, Hansi, District Hisar.

2. The facts of the case are that Gurucharan Singh filed written complaint to the police that the victim is the daughter of his elder sister aged about 16 years. She started residing with him for the last about two months. He noticed that the victim was sad. On 26.05.2021 in the presence of his mother, he enquired from her the reason for her sadness. She disclosed that the day he had gone to bring back her aunt she was sleeping with her maternal grand-mother. At about 12 o'clock midnight, she came outside to attend the call of nature. The accused was standing outside who

took her to his house and indulged in wrongful act with her. With these allegations the present case was registered.

3. Learned counsel for the petitioner argued that he is falsely implicated in this case. Earlier his regular bail application was declined by learned Additional Sessions Judge, Fast Track Special Court, Hisar vide order dated 29.03.2023, which is Annexure P-1 and the regular bail filed in this Court bearing CRM-M No. 19536 of 2022 was also declined vide order dated 11.01.2023, which is Annexure P-3. Now, the statement of the victim is already recorded, which is Annexure P-2. There is no likelihood that he can influence the victim. He was arrested in this case on 29.05.2021 and since then he is behind the bars. He is ready to abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

4. The bail application is opposed by learned counsel representing the State and status report is also filed. It is pointed out that after the completion of investigation, challan was presented and out of 18 prosecution witnesses, 10 witnesses have been examined. The present petitioner was specifically named and the victim has also supported the prosecution case. Even otherwise, the minor victim suffers from mental retardation. Considering the facts of the case and the gravity of offence, the present petitioner is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record carefully. This is the second regular bail application filed by the present petitioner. The first regular bail application bearing CRM-M-19536-2022, titled Pawan alias Gurdev alias Poni was declined on merits by passing detailed order dated 11.01.2023, which is Annexure P-3. As per the status report, statements of 10 prosecution witnesses have been

recorded. The statement of victim is also recorded, which is Annexure P-2, where she has supported her version. However, the statement of the victim will be considered by the trial Court while deciding the case. It has come on record that the said victim also suffered from mental retardation. There are specific serious allegations against the present petitioner. Considering the gravity of offence, I do not find a fit case for grant of regular bail to the petitioner – Pawan alias Gurdev alias Poni and the same is accordingly, declined. It cannot be ignored that the present petitioner is behind the bars for a period of more than two years. Therefore, the trial Court is directed to expedite the trial.

The petition is accordingly, disposed of.

19.09.2023
lalit

(AMARJOT BHATTI)
JUDGE

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