

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

CRM-M-37388-2023

Date of Decision: August 25, 2023

Gaurav

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana.

Vivek Puri, J.

1. The petitioner is seeking anticipatory bail in the case bearing FIR No. 174, dated 21.06.2023, under Section 6 of the Protection of Children from Sexual Offences Act, registered at Police Station Rajendra Park, Gurugram.
2. Reply by way of affidavit of Shiv Archan, HPS Assistant Commissioner of Police, West Gurugram filed on behalf of the State of Haryana, is taken on record.
3. Briefly, the FIR has been registered on the allegations that on 10.06.2023, the mother of the victim returned back to the house and the victim disclosed that she was having stomach ache. The victim was medically examined and was found to be pregnant. The victim had disclosed that the petitioner, who is studying in the same

school with her, had taken her to a jungle near flyover of Dhanwapur and developed physical relations on two occasions.

4. I have heard learned counsel for the parties and perused the record.

5. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated. The petitioner and the victim were students of the same class and had developed relations with each other. As the victim was less than 18 years of age, the marriage could not be performed. The relationship between the petitioner and the victim was consensual as made out from the Whatapp chats and also the photographs.

6. Learned State counsel has opposed the bail application on the score that the victim was less than 18 years of age at the time of occurrence and the report of DNA analysis pertaining to fetus is yet to be procured. As such, the custodial interrogation of the petitioner is necessary for thorough investigation of the case.

7. The date of birth of the victim is stated to be 14.12.2005. As such, she was aged about 17-1/2 years at the time of occurrence. There is no dispute to the effect that the victim is less than 18 years of age at the time of occurrence. The petitioner has not disputed the fact that there was relationship between the petitioner and the victim,

but has alleged that the same was consensual relationship. The age of the victim is admittedly less than 18 years of age and in such circumstances, the consent on the part of the victim for developing any sexual relations become immaterial and inconsequential. Furthermore, it has been pointed out that pregnancy of the victim was terminated and for the purpose of DNA analysis, the sample has to be taken from the petitioner.

8. Keeping in view the entire circumstances and gravity of allegations, no extra ordinary circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

9. Instant petition is dismissed, accordingly.

August 25, 2023
vk

(Vivek Puri)
Judge

Whether speaking/reasonable :	Yes/No
Whether reportable :	Yes/No