

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

235

CRM-M-53263-2022

Date of decision : 25.01.2023

Shailender @ Sikander @ Londiya

..... Petitioner

V/S

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Ms. Deepshikha Chauhan Asst. A.G. Haryana.

AMARJOT BHATTI J. (ORAL)

The petitioner - Shailender @ Sikander @ Londiya filed the instant petition under Section 439 of Cr.P.C. seeking regular bail in FIR no.78 dated 19.03.2021 under Sections 354, 363, 366-A, 376AB, 450 and 511 IPC (later on Section 354 IPC has been deleted and Section 365 IPC has been added), registered at Police Station Agroha, District Hisar.

The facts of the case are that the complainant gave her statement to the police that she is having two children a son and a daughter i.e. the victim who is 10 years old. On 18.03.2021, she was present along with her mother in the hospital and her son was also accompanying her. Her husband Surender and the victim were present in the house at night time. At about 12 O'clock in the night her husband called her and informed that some unidentified persons came inside their house and took away their daughter with bad intention.

After some time Roshni came and brought their daughter back and she was weeping. She returned home and found that the victim was nervous. On inquiry she disclosed that she was taken away by the petitioner and he forced her to indulge in obscene act i.e. oral sex. On the alarm raised by her, Roshni came there and brought her back home. With these allegations, present case has been registered.

Learned counsel for the petitioner argued that the statement of the victim is already recorded which is Annexure P-2. The allegations leveled against him are false. He was arrested in this case on 24.03.2021 and since then he is behind the bars. Trial of this case may take long time. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

Learned State counsel has filed detailed status report, which is taken on record. It is confirmed that challan in this case has been presented in the Court on 15.05.2021. The chargesheet has been framed on 15.12.2021 and till date 03 prosecution witnesses have been examined i.e. victim and both her parents. It is argued that the allegations leveled against the present petitioner are serious in nature. Therefore, he is not entitled to be released on bail.

I have considered the arguments and have gone through the record carefully. There are specific serious allegation against the present petitioner, who sexually exploited the victim, who is about 10 years of age. The statement recorded under Section 164 Cr.P.C. is Annexure R-1. At that time she was studying in 5th class. She has leveled specific serious allegations against the present petitioner. It is matter of record that the complete statement of the victim has been recorded as PW-1. As per the status report, the statement of both the

parents have been recorded but rest of the prosecution evidence is yet to be recorded. The allegations are serious and specific in nature. Therefore, considering these facts, I do not find a fit case for regular bail and the same is accordingly declined.

(AMARJOT BHATTI)
JUDGE

25.01.2023.
Sunil Devi

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No