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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57555-2022

Date of Decision:- 13.02.2023

ANOOP

...Petitioner

Vs.

STATE OF HARYANA AND ANR

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Y.P. Khullar, Advocate
for the petitioner.

Ms. Ambika Sood, Additional A.G. Haryana.

AMARJOT BHATTI, J. (Oral)

The petitioner – Anoop has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.79, dated 13.07.2022 under Sections 376(2)(n), 506, 120-B of Indian Penal Code, 1860 and 6 of POCSO Act, 2012 registered at Police Station Women Palwal, District Palwal.

The facts of the case are that the complainant filed written complaint to the police alleging that she is a widow lady having five children. She was doing labour work. On 03.11.2021, she was sleeping in her house along with her children. At about 11/12 o'clock midnight, Anoop entered their house in drunkard condition. The victim, who is 17 years of age was doing painting. The accused entered her room and started misbehaving and tried to molest her. Her daughter threatened not to do wrongful act and she stated that she would call her mother. On this, the accused fled away. In the next morning, he came and threatened her

daughter that he had some obscene photographs of her and in case she refused to have relationship with him, he will make the said photographs viral on Facebook and Instagram. Her daughter was threatened. The accused brought sleeping pills and told the victim to give those tablets to the entire family and in this way, the accused committed wrongful act with her daughter on the night of 4th, 5th and 6th November, 2021 and he took her to his house on 7th and 8th November, 2021. Her daughter was depressed and when she inquired from her, she disclosed about the aforesaid occurrence. She went to the house of Anoop and complained to his mother Pushpa. She got furious and threatened to kill her. On 10.07.2022 at about 07/08:00 P.M, all the accused persons armed with lathi and dandas attacked at her house. They threatened to kill her entire family. Ultimately, the matter was reported to the police and after inquiry, the present FIR has been registered.

Learned counsel for the petitioner argued that there is a long delay in lodging the report to the police. There is no medical record to show that the victim was raped or anybody had caused any injury. All the allegations are false. He is ready to join the investigation. His anticipatory bail was wrongly declined by the trial Court vide order dated 04.11.2022, Annexure P-2. As the petitioner is ready to join the investigation, therefore, his anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the State. It is argued that the allegations are serious in nature. The petitioner is yet to join the investigation. However, the victim has been medically examined at General Hospital, Palwal. As per the school record, the date of birth of the victim is 11.07.2005. She was 16 years 3 months and 21 days old. The present petitioner is evading his arrest. Considering

the gravity of offence, he is not entitled to the concession of anticipatory bail.

I have considered the arguments and have gone through the record. Along with the status report, the counsel representing the State has placed on record the MLR where the victim had refused for her medical examination as the case was 9 months old. The statement of the victim recorded under Section 164 Cr.P.C. is Annexure R-2. Copy of her Birth Certificate is Annexure R-3. The FIR was registered on the statement of prosecutrix, who is mother of the victim. The victim has also specifically named the present petitioner and levelled serious allegations. He is yet to join the investigation. Considering the gravity of offence, I do not find a fit case for grant of anticipatory bail to the petitioner – Anoop and the same is, accordingly, declined.

13.02.2023
lalit

(AMARJOT BHATTI)
JUDGE

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